

108TH CONGRESS
2D SESSION

H. R. 4200

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2004

Mr. HUNTER (for himself and Mr. SKELTON) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2005”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 (a) DIVISIONS.—This Act is organized into two divi-
8 sions as follows:

1 (1) Division A—Department of Defense Au-
2 thorizations.

3 (2) Division B—Military Construction Author-
4 izations.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Multiyear Procurement Authorization

Sec. 111. Multiyear procurement authority for the light weight 155 millimeter
howitzer program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Ballistic Missile Defense

Sec. 211. Funding for Missile Defense Agency.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Other Department of Defense programs.

Subtitle B—Environmental Provisions

Sec. 311. Payment of private cleanup costs.
Sec. 312. Reimbursement to the Environmental Protection Agency for certain
costs in connection with the Moses Lake, Washington Super-
fund site.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Exclusion of certain expenditures from percentage limitation on contracting for performance of depot-level maintenance and repair workloads.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
 Sec. 402. New title for the Vice Chief of the National Guard Bureau.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
 Sec. 412. End strengths for Reserves on active duty in support of the reserves.
 Sec. 413. End strengths for military technicians (dual status).
 Sec. 414. Fiscal year 2005 limitation on number of non-dual status technicians.
 Sec. 415. Special rule for computing the high-36 month average for Reserve component members.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Transition of active-duty list officer force to all regular status.
 Sec. 502. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
 Sec. 503. Joint duty credit required for promotion to flag or general officer.
 Sec. 504. Revised promotion policy objectives for joint officers.
 Sec. 505. Modify length of joint duty assignments.
 Sec. 506. Management of joint specialty officers.
 Sec. 507. Eliminate distribution quotas for general and flag officers serving in the grades of O-7 and O-8.
 Sec. 508. Eliminate mandatory retirement of active duty general and flag officers after 30 years of service.
 Sec. 509. Length of terms for the Assistants to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters.
 Sec. 510. Length of service for the senior leaders of the military departments.
 Sec. 511. Extending age limits for active duty general and flag officers.
 Sec. 512. Lateral reassignment of certain generals and admirals.
 Sec. 513. Length of service for the Chairman and Vice Chairman of the Joint Chiefs of Staff.
 Sec. 514. Promotion policy objectives for joint officers.

Subtitle B—Reserve Component Management

- Sec. 521. Revised concept of inactive duty and repeal of funeral honors duty.
 Sec. 522. Authorized strengths of Navy and Marine Corps reserve flag and general officers.
 Sec. 523. Mandatory retention on active duty to qualify for retirement pay.
 Sec. 524. Amendment to the purpose of the reserve components.
 Sec. 525. Accounting and management of National Guard and reserve personnel performing active or full-time duty.
 Sec. 526. Waive requirement that reserve chiefs and National Guard directors must have significant joint duty experience.
 Sec. 527. Extending age limits for reserve and National Guard general and flag officers.

Sec. 528. Expanded use of reserve component members to perform developmental testing and new equipment training.

Subtitle C—ROTC and Military Service Academies

- Sec. 531. Institutions of higher education that prevent ROTC access or military recruiting on campus; equal treatment with other employers.
- Sec. 532. Board of Visitors; United States Air Force Academy; United States Military Academy; United States Naval Academy.
- Sec. 533. Dean of the Faculty; Dean of Academic Board.
- Sec. 534. Repeal of requirement that military academy superintendents retire after assignment.

Subtitle D—Other Military Education and Training Matters

- Sec. 541. Education loan repayments for health professions officers of the reserve components.
- Sec. 542. Conferral of degrees to graduates of the Community College of the Air Force.
- Sec. 543. Three year educational leave of absence.
- Sec. 544. Length of phase II joint professional military education.
- Sec. 545. Changing the titles of the heads of the Naval Postgraduate School.
- Sec. 546. New mission statement and expanded eligibility for enlisted personnel at the Naval Postgraduate School.

Subtitle E—Administrative Matters

- Sec. 551. Annual report to Congress concerning joint officer management.
- Sec. 552. Revised definitions applicable to joint duty.

Subtitle F—Military Justice Matters

- Sec. 561. Waive time lost when a member is acquitted, released without trial, or has his conviction set-aside or reversed on appeal.
- Sec. 562. Change in Uniform Code of Military Justice relating to blood alcohol concentration.

Subtitle G—Benefits

- Sec. 571. Immediate lump sum reimbursement for unusual nonrecurring expenses outside the continental United States.
- Sec. 572. Repeal of requirement to pay subsistence charges while hospitalized.

Subtitle H—Other Matters

- Sec. 581. Alternate initial military service obligation for persons with specialized skills.
- Sec. 582. Basic training requirement for certain members with specialized skills.
- Sec. 583. Eliminate mandatory terms of office for certain general and flag staff officers.
- Sec. 584. Prohibit court-ordered payments before retirement based on imputation of retired pay.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Termination of assignment incentive pay for members on terminal leave.
- Sec. 602. More flexible retirement rules for military officers.
- Sec. 603. More flexible computation of retired pay for officers and senior enlisted members.
- Sec. 604. Eliminate retired pay limit applicable to general and flag officers.
- Sec. 605. Grant basic allowance for housing waivers for 12 months or less on permanent change of station assignments that are principally for education or training.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pays for reserve forces.
- Sec. 612. Bonus for officers to serve in the Selected Reserve in a critical skill or manpower shortage.
- Sec. 613. Critical skills retention bonus; eligibility of members serving on indefinite reenlistment.
- Sec. 614. Foreign language proficiency pay.
- Sec. 615. Repayment of unearned portions of bonuses, special pays, and educational benefits.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Lodging costs incurred in connection with student dependent travel.
- Sec. 622. Expanded travel and transportation allowances for family members to attend burial ceremonies.

Subtitle D—Other Matters

- Sec. 631. Accumulation of annual leave by intelligence senior level employees.

TITLE VII—HEALTH CARE PROVISIONS

- Sec. 701. Exemption of nonappropriated fund health benefits program from non-federal laws, taxes, and mandates.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Defense acquisition workforce changes.
- Sec. 802. Delegation to the Defense Contract Management Agency to make determinations concerning restructuring costs.
- Sec. 803. Disposal of excess and obsolete materials contained in the national defense stockpile.
- Sec. 804. Privatization of military utilities located on non-federal land.
- Sec. 805. Repeal of redundant limitations on the procurement of totally enclosed lifeboats.
- Sec. 806. Demonstration programs using design-build contracts.
- Sec. 807. Two-year extension of laboratory revitalization demonstration program.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 821. Pilot authority for follow-on production agreements relating to certain prototype projects.
- Sec. 822. Charging of fees for logistical data.
- Sec. 823. Sale and exchange of missile propellants and electricity.
- Sec. 824. Pilot program to contract with local governments for services.
- Sec. 825. Procurement of ball and roller bearings.
- Sec. 826. Increased threshold for awarding contracts under other than competitive procedures.
- Sec. 827. Increased threshold for requiring contractors to provide specified employee information to cooperative agreement holders.
- Sec. 828. Limitation on task and delivery order contracts.

Subtitle C—Acquisition-Related Reports and Other Matters

- Sec. 841. Streamlining real property transactions.
- Sec. 842. Repeal of annual reporting requirement concerning management of depot employees.
- Sec. 843. Simplification of annual reporting requirements concerning funds expended for depot maintenance and repair workloads.
- Sec. 844. Provisions relating to real property.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers

- Sec. 901. Transfer of responsibility for the assembled chemical weapons alternatives program.
- Sec. 902. Expanded eligibility to serve as the Deputy Chief of Naval Operations and Assistant Chief of Naval Operations.
- Sec. 903. Repeal of required periodic Inspector General audits of undefinitized contractual actions.
- Sec. 904. Repeal of mandatory Inspector General review of advisory and assistance services contract waivers.
- Sec. 905. Chain of succession for the Chief, National Guard Bureau.

Subtitle B—Reports

- Sec. 911. Repeal of reporting requirement concerning the Cooperative Threat Reduction Program.
- Sec. 912. Repeal of annual reporting requirement concerning threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.

Subtitle C—Other Matters

- Sec. 921. Manpower and budget issues in the Defense Prisoner of War/Missing Personnel Office.
- Sec. 922. Three-year extension of mentor-protege program.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Capture of all expired funds from the military personnel and operation and maintenance appropriations accounts for use in the foreign currency fluctuations account.

- Sec. 1002. Reimbursement for use of personal cellular telephones when used for official government business.
- Sec. 1003. Purchase of promotional items of nominal value for recruitment purposes.
- Sec. 1004. Microclaim waiver authority.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Exchange and sale of obsolete Navy service craft and boats.
- Sec. 1012. Award contracts for ship dismantling on net cost basis.

Subtitle C—Counterdrug Activities

- Sec. 1021. Use of two-year extension of counterdrug funds for counterterrorism in Colombia.

Subtitle D—Other Department of Defense Provisions

- Sec. 1031. Control and supervision of transportation within the Department of Defense.

Subtitle E—Other Matters

- Sec. 1041. Repeal of prohibition on contracts for performance of security-guard functions.
- Sec. 1042. Establishment of auxiliaries within the military departments.
- Sec. 1043. National Defense Heritage Foundation.
- Sec. 1044. Conforming amendments to general definitions.
- Sec. 1045. Use of Department of Defense fitness facilities by contract workers.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

- Sec. 1101. Priority placement of displaced civilian employees.
- Sec. 1102. Employment preference for spouses of civilian employees.
- Sec. 1103. Pay parity for civilian intelligence personnel.
- Sec. 1104. Pay parity for senior executives in DoD nonappropriated fund instrumentalities.
- Sec. 1105. Prohibit unauthorized wearing, manufacture, or sale of civilian medals or decorations.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Related to Arms Control and Monitoring

- Sec. 1201. Humanitarian assistance with respect to the detection and clearance of landmines and explosive remnants of war.

Subtitle B—Matters Related to Allies and Friendly Foreign Nations

- Sec. 1211. Improving airspace control and management in the Caucasus and Central Asia.
- Sec. 1212. George C. Marshall European Center for Security Studies.

Subtitle C—Other Matters

- Sec. 1221. Repeal of the annual reporting requirement concerning the activities of Chinese military companies operating in the United States.
- Sec. 1222. Repeal of reporting requirement concerning special operations forces training with friendly foreign forces.

- Sec. 1223. Foreign military AIDS advocacy, awareness, and prevention activities.
- Sec. 1224. Repeal of the authorization for the establishment of the Center for the Study of Chinese Military Affairs.
- Sec. 1225. Use of donated property for humanitarian assistance purposes.
- Sec. 1226. Assignment of foreign Navy personnel to submarine safety research and development programs.

TITLE XIII—HOMELAND SECURITY

- Sec. 1301. Repeal of funding restrictions concerning development of medical countermeasures against biological warfare threats.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE

- Sec. 2601. Authorized Chemical Demilitarization construction and land acquisition projects.
- Sec. 2602. Authorization of appropriations, Chemical Demilitarization Construction.

TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES

Sec. 2701. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2801. Expiration of authorizations and amounts required to be specified by law.

Sec. 2802. Extension of authorizations of certain fiscal year 2002 projects.

Sec. 2803. Extension of authorizations of certain fiscal year 2001 projects.

TITLE XXIX—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2901. Alternative authority for acquisition and improvement of military housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2911. Establishment of Museum Center of the National Museum of the United States Army.

Sec. 2912. Exchange or sale of reserve component facilities in return for replacement facilities.

Subtitle C—Other Matters

Sec. 2921. Minor military construction to improve force protection.

1 **DIVISION A—DEPARTMENT OF**
 2 **DEFENSE AUTHORIZATIONS**
 3 **TITLE I—PROCUREMENT**
 4 **Subtitle A—Authorization of**
 5 **Appropriations**

6 **SEC. 101. ARMY.**

7 Funds are hereby authorized to be appropriated for
 8 fiscal year 2005 for procurement for the Army as follows:

9 (1) For aircraft, \$2,658,241,000.

10 (2) For missiles, \$1,398,321,000.

11 (3) For weapons and tracked combat vehicles,
 12 \$1,639,695,000.

1 (4) For ammunition, \$1,556,902,000.

2 (5) For other procurement, \$4,240,896,000.

3 **SEC. 102. NAVY AND MARINE CORPS.**

4 (a) NAVY.—Funds are hereby authorized to be appro-
5 priated for fiscal year 2005 for procurement for the Navy
6 as follows:

7 (1) For aircraft, \$8,767,867,000.

8 (2) For weapons, including missiles and tor-
9 pedoes, \$2,101,529,000.

10 (3) For shipbuilding and conversion,
11 \$9,962,027,000.

12 (4) For other procurement, \$4,834,278,000.

13 (b) MARINE CORPS.—Funds are hereby authorized to
14 be appropriated for fiscal year 2005 for procurement for
15 the Marine Corps in the amount of \$1,190,103,000.

16 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
17 are hereby authorized to be appropriated for fiscal year
18 2005 for procurement of ammunition for the Navy and
19 Marine Corps in the amount of \$858,640,000.

20 **SEC. 103. AIR FORCE.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2005 for procurement for the Air Force as fol-
23 lows:

24 (1) For aircraft, \$13,163,174,000.

25 (2) For missiles, \$4,718,313,000.

1 (3) For procurement of ammunition,
2 \$1,396,457,000.

3 (4) For other procurement, \$13,283,557,000.

4 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2005 for Defense-wide procurement in the
7 amount of \$2,883,302,000.

8 **Subtitle B—Multiyear Procurement**
9 **Authorization**

10 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**

11 **LIGHT WEIGHT 155 MILLIMETER HOWITZER**

12 **PROGRAM.**

13 The Secretary of the Navy may, in accordance with
14 section 2306b of title 10, United States Code, enter into
15 a multiyear contract, beginning with the fiscal year 2005
16 program year, for procurement of the light weight 155
17 millimeter howitzer.

1 **TITLE II—RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUA-**
3 **TION**

4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2005 for the use of the Department of Defense
9 for research, development, test, and evaluation, as follows:

10 (1) For the Army, \$9,266,258,000.

11 (2) For the Navy, \$16,346,391,000.

12 (3) For the Air Force, \$21,114,667,000.

13 (4) For Defense-wide activities,
14 \$21,044,972,000, of which \$305,135,000 is author-
15 ized for the Director of Operational Test and Eval-
16 uation.

17 **Subtitle B—Ballistic Missile**
18 **Defense**

19 **SEC. 211. FUNDING FOR MISSILE DEFENSE AGENCY.**

20 (a) Funds appropriated under the heading “Re-
21 search, Development, Test and Evaluation, Defense-
22 Wide” for the Missile Defense Agency may, upon approval
23 by the Secretary of Defense, be used for the development
24 and fielding of ballistic missile defense capabilities.

1 (b) This section shall be effective for fiscal years after
2 Fiscal Year 2004.

3 **TITLE III—OPERATION AND**
4 **MAINTENANCE**
5 **Subtitle A—Authorization of**
6 **Appropriations**

7 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

8 Funds are hereby authorized to be appropriated for
9 fiscal year 2005 for the use of the Armed Forces and other
10 activities and agencies of the Department of Defense for
11 expenses, not otherwise provided for, for operation and
12 maintenance, in amounts as follows:

13 (1) For the Army, \$26,133,411,000.

14 (2) For the Navy, \$29,789,190,000.

15 (3) For the Marine Corps, \$3,632,115,000.

16 (4) For the Air Force, \$28,471,260,000.

17 (5) For the Defense-wide activities,
18 \$17,494,076,000.

19 (6) For the Army Reserve, \$2,008,128,000.

20 (7) For the Naval Reserve, \$1,240,038,000.

21 (8) For the Marine Corps Reserve,
22 \$188,696,000.

23 (9) For the Air Force Reserve, \$2,239,790,000.

24 (10) For the Army National Guard,
25 \$4,440,686,000.

1 (11) For the Air National Guard,
2 \$4,422,838,000.

3 (12) For the United States Court of Appeals
4 for the Armed Forces, \$10,825,000.

5 (13) For Environmental Restoration, Army,
6 \$400,948,000.

7 (14) For Environmental Restoration, Navy,
8 \$266,820,000.

9 (15) For Environmental Restoration, Air Force,
10 \$397,368,000.

11 (16) For Environmental Restoration, Defense-
12 wide, \$23,684,000.

13 (17) For Environmental Restoration, Formerly
14 Used Defense Sites, \$216,516,000.

15 (18) For Overseas Humanitarian, Disaster, and
16 Civic Aid programs, \$59,000,000.

17 (19) For Cooperative Threat Reduction pro-
18 grams, \$409,200,000.

19 (20) For Overseas Contingency Operations
20 Transfer Fund, \$30,000,000.

21 **SEC. 302. WORKING CAPITAL FUNDS.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2005 for the use of the Armed Forces and other
24 activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds
2 in amounts as follows:

3 (1) For the Defense Working Capital Funds,
4 \$1,685,886,000.

5 (2) For the National Defense Sealift Fund,
6 \$1,269,252,000.

7 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

8 There is hereby authorized to be appropriated for fis-
9 cal year 2005 from the Armed Forces Retirement Home
10 Trust Fund the sum of \$61,195,000 for the operation of
11 the Armed Forces Retirement Home.

12 **SEC. 304. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

13 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
14 by authorized to be appropriated for the Department of
15 Defense for fiscal year 2005 for expenses, not otherwise
16 provided for, for the Defense Health Program,
17 \$17,640,411,000, of which—

18 (1) \$17,203,369,000 is for Operation and
19 Maintenance;

20 (2) \$72,407,000 is for Research, Development,
21 Test, and Evaluation; and

22 (3) \$364,635,000 is for Procurement.

23 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-
24 TION.—(1) Funds are hereby authorized to be appro-
25 priated for the Department of Defense for fiscal year 2005

1 for expenses, not otherwise provided for, for Chemical
2 Agents and Munitions Destruction, \$1,371,990,000, of
3 which—

4 (A) \$1,138,801,000 is for Operation and Main-
5 tenance;

6 (B) \$154,209,000 is for Research, Develop-
7 ment, Test, and Evaluation; and

8 (C) \$78,980,000 is for Procurement.

9 (2) Amounts authorized to be appropriated under
10 paragraph (1) are authorized for—

11 (A) the destruction of lethal chemical agents
12 and munitions in accordance with section 1412 of
13 the Department of Defense Authorization Act, 1986
14 (50 U.S.C. 1521); and

15 (B) the destruction of chemical warfare mate-
16 rial of the United States that is not covered by sec-
17 tion 1412 of such Act.

18 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-
19 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
20 to be appropriated for the Department of Defense for fis-
21 cal year 2005 for expenses, not otherwise provided for, for
22 Drug Interdiction and Counter-Drug Activities, Defense-
23 wide, \$852,697,000.

24 (d) DEFENSE INSPECTOR GENERAL.—Funds are
25 hereby authorized to be appropriated for the Department

1 of Defense for fiscal year 2005 for expenses, not otherwise
2 provided for, for the Office of the Inspector General of
3 the Department of Defense, \$244,562,000, of which—

4 (1) \$242,362,000 is for Operation and Maintenance;
5

6 (2) \$100,000 is for Research, Development,
7 Test, and Evaluation; and

8 (3) \$2,100,000 is for Procurement.

9 **Subtitle B—Environmental** 10 **Provisions**

11 **SEC. 311. PAYMENT OF PRIVATE CLEANUP COSTS.**

12 (a) AUTHORITY TO PAY FOR SERVICES.—Section
13 2701(d) of title 10, United States Code, is amended—

14 (1) in paragraph (1), by striking “tribe,” both
15 places it appears and inserting “tribe, owner of cov-
16 enant property,”; and

17 (2) in paragraph (4), by adding at the end the
18 following new subparagraph:

19 “(C) The term ‘owner of covenant property’
20 means an owner of property subject to a covenant
21 provided by the United States in accordance with
22 the requirements of section 120(h)(3)(A)(ii)(II) of
23 CERCLA: *Provided, however,* That the covenant
24 property also is the site of the services to be per-
25 formed.”.

1 (b) SOURCE OF FUNDS FOR COVENANT PROP-
2 ERTY.—Section 2703 of such title is amended—

3 (1) in subsection (g)(1), by striking “The” and
4 inserting “Except as provided in subsection (h),
5 the”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL
9 REMEDIATION SERVICES AT BASE REALIGNMENT AND
10 CLOSURE SITES.—In the case of property disposed of in
11 accordance with a base closure law, the sole source of
12 funds for services obtained under section 2701(d)(1) of
13 this title shall be the applicable base closure account estab-
14 lished under such base closure law.”.

15 **SEC. 312. REIMBURSEMENT TO THE ENVIRONMENTAL PRO-**
16 **TECTION AGENCY FOR CERTAIN COSTS IN**
17 **CONNECTION WITH THE MOSES LAKE, WASH-**
18 **INGTON SUPERFUND SITE.**

19 (a) AUTHORITY.—Using funds described in sub-
20 section (b), the Secretary of Defense may transfer not
21 more than \$524,926.54 to the Moses Lake Wellfield
22 Superfund Site 10–6J Special Account. This payment is
23 to reimburse the United States Environmental Protection
24 Agency for its costs including interest incurred in over-
25 seeing a remedial investigation/feasibility study performed

1 by the Department of the Army under the Defense Envi-
2 ronmental Restoration Program at the former Larson Air
3 Force Base, Moses Lake Superfund Site, Moses Lake,
4 Washington. Such reimbursement is provided for in the
5 Interagency Agreement entered into by the Department
6 of the Army and the Environmental Protection Agency for
7 the Moses Lake Site, in March, 1999.

8 (b) SOURCE OF FUNDS.—Any payment under sub-
9 section (a) shall be made using funds authorized to be ap-
10 propriated by paragraph 18 of section 301 of this act for
11 Environmental Restoration, Formerly Used Defense Sites.
12 EPA shall retain and use the transferred amount to pay
13 for costs the Agency has incurred or will incur at the
14 Moses Lake Wellfield Superfund site.

15 **Subtitle C—Workplace and Depot** 16 **Issues**

17 **SEC. 321. EXCLUSION OF CERTAIN EXPENDITURES FROM** 18 **PERCENTAGE -LIMITATION ON CON-** 19 **TRACTING FOR PERFORMANCE OF DEPOT-** 20 **LEVEL MAINTENANCE AND REPAIR WORK-** 21 **LOADS.**

22 Section 2474(f)(1) of title 10, United States Code,
23 is amended by striking “under any contract entered into
24 during fiscal years 2003 through 2006”.

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

4 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5 The Armed Forces are authorized strengths for active
6 duty personnel as of September 30, 2005, as follows:

7 (1) The Army, 482,400.

8 (2) The Navy, 365,900.

9 (3) The Marine Corps, 175,000.

10 (4) The Air Force, 359,700.

11 **SEC. 402. NEW TITLE FOR THE VICE CHIEF OF THE NA-**
12 **TIONAL GUARD BUREAU.**

13 (a) IN GENERAL.—Section 10505 of title 10, United
14 States Code, is amended by striking “Vice Chief of the
15 National Guard Bureau” each place it appears and insert-
16 ing “Director of the Joint Staff of the National Guard
17 Bureau”.

18 (b) CLERICAL AMENDMENTS.—(1) The heading of
19 such section is amended by striking “**Vice Chief of the**
20 **National Guard Bureau**” and inserting “**Director**
21 **of the Joint Staff of the National Guard Bu-**
22 **reau**”.

23 (2) The item relating to such section in the table of
24 sections at the beginning of chapter 1011 of such title is
25 amended by striking “Vice Chief of the National Guard

1 Bureau” and inserting “Director of the Joint Staff of the
2 National Guard Bureau”.

3 **Subtitle B—Reserve Forces**

4 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

5 (a) IN GENERAL.—The Armed Forces are authorized
6 strengths for Selected Reserve personnel of the reserve
7 components as of September 30, 2005, as follows:

8 (1) The Army National Guard of the United
9 States, 350,000.

10 (2) The Army Reserve, 205,000.

11 (3) The Naval Reserve, 83,400.

12 (4) The Marine Corps Reserve, 39,600.

13 (5) The Air National Guard of the United
14 States, 106,800.

15 (6) The Air Force Reserve, 76,100.

16 (7) The Coast Guard Reserve, 10,000.

17 (b) ADJUSTMENTS.—The end strengths prescribed by
18 subsection (a) for the Selected Reserve of any reserve com-
19 ponent shall be proportionately reduced by—

20 (1) the total authorized strength of units orga-
21 nized to serve as units of the Selected Reserve of
22 such component which are on active duty (other
23 than for training) at the end of the fiscal year; and

24 (2) the total number of individual members not
25 in units organized to serve as units of the Selected

1 Reserve of such component who are on active duty
2 (other than for training or for unsatisfactory partici-
3 pation in training) without their consent at the end
4 of the fiscal year.

5 Whenever such units or such individual members are re-
6 leased from active duty during any fiscal year, the end
7 strength prescribed for such fiscal year for the Selected
8 Reserve of such reserve component shall be increased pro-
9 portionately by the total authorized strengths of such
10 units and by the total number of such individual members.

11 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
12 **DUTY IN SUPPORT OF THE RESERVES.**

13 Within the end strengths prescribed in section
14 411(a), the reserve components of the Armed Forces are
15 authorized, as of September 30, 2005, the following num-
16 ber of Reserves to be serving on full-time active duty or
17 full-time duty, in the case of members of the National
18 Guard, for the purpose of organizing, administering, re-
19 cruiting, instructing, or training the reserve components:

20 (1) The Army National Guard of the United
21 States, 26,476.

22 (2) The Army Reserve, 14,970.

23 (3) The Naval Reserve, 14,152.

24 (4) The Marine Corps Reserve, 2,261.

1 (5) The Air National Guard of the United
2 States, 12,225.

3 (6) The Air Force Reserve, 1,900.

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 The minimum number of military technicians (dual
7 status) as of the last day of fiscal year 2005 for the re-
8 serve components of the Army and the Air Force (notwith-
9 standing section 129 of title 10, United States Code) shall
10 be the following:

11 (1) For the Army Reserve, 7,299.

12 (2) For the Army National Guard of the United
13 States, 25,076.

14 (3) For the Air Force Reserve, 9,954.

15 (4) For the Air National Guard of the United
16 States, 22,956.

17 **SEC. 414. FISCAL YEAR 2005 LIMITATION ON NUMBER OF**
18 **NON-DUAL STATUS TECHNICIANS.**

19 (a) LIMITATIONS.—(1) Within the limitation pro-
20 vided in section 10217(c)(2) of title 10, United States
21 Code, the number of non-dual status technicians employed
22 by the National Guard as of September 30, 2005, may
23 not exceed the following:

24 (A) For the Army National Guard of the
25 United States, 1,600.

1 (B) For the Air National Guard of the United
2 States, 350.

3 (2) The number of non-dual status technicians em-
4 ployed by the Army Reserve as of September 30, 2005,
5 may not exceed 795.

6 (3) The number of non-dual status technicians em-
7 ployed by the Air Force Reserve as of September 30,
8 2005, may not exceed 90.

9 (b) NON 09 DUAL STATUS TECHNICIANS DE-
10 FINED.—In this section, the term “non-dual status techni-
11 cian” has the meaning given that term in section 10217(a)
12 of title 10, United States Code.

13 **SEC. 415. SPECIAL RULE FOR COMPUTING THE HIGH 0936**
14 **MONTH AVERAGE FOR RESERVE COMPO-**
15 **NENT MEMBERS.**

16 (a) COMPUTATION OF HIGH 36 09 MONTH AVER-
17 AGE.—Subsection (c) of section 1407 of title 10, United
18 States Code, is amended by adding at the end the fol-
19 lowing new paragraph:

20 “(3) SPECIAL RULE FOR RESERVE COMPONENT MEM-
21 BERS—

22 “(A) HIGH 0936 MONTH AVERAGE FOR DIS-
23 ABILITY RETIRED PAY.—The high-three average of a
24 Reserve component member entitled to retired pay
25 under section 1201 or 1202 of this title, or a spouse

1 of a Reserve component member entitled to a sur-
2 vivor benefit plan annuity under section
3 1448(d)(1)(B) of this title, is the amount equal to—

4 “(i) the total amount of monthly basic pay
5 to which the member was entitled during the
6 member’s high-36 months (or to which the
7 member would have been entitled if the member
8 had served on active duty during the entire pe-
9 riod of the member’s high-36 months), divided
10 by

11 “(ii) 36.

12 “(B) SHORT 09 TERM DISABILITY RETIRED
13 PAY.—Notwithstanding subparagraph (A), the high-
14 three average of a Reserve component member with
15 less than 36 months who is entitled to retired pay
16 under section 1201 or 1202 of this title, or a spouse
17 of a Reserve component member entitled to a sur-
18 vivor benefit plan annuity under section
19 1448(d)(1)(B) of this title, is the amount equal to—

20 “(i) the total amount of monthly basic pay
21 to which the member was entitled during the
22 entire period the member was a member of a
23 uniformed service before being so retired (or to
24 which the member would have been entitled if
25 the member had served on active duty during

1 the entire period the member was a member of
 2 a uniformed service before being so retired), di-
 3 vided by

4 “(ii) the number of months (including any
 5 fraction thereof) during which the member was
 6 a member before so retiring.”.

7 (b) EFFECTIVE DATE.—For purposes of determining
 8 the annuity for the spouse of a member who died while
 9 on active duty, the amendments made by this section shall
 10 take effect as of September 10, 2001.

11 **TITLE V—MILITARY PERSONNEL**
 12 **POLICY**

13 **Subtitle A—Officer Personnel**
 14 **Policy**

15 **SEC. 501. TRANSITION OF ACTIVE 09DUTY LIST OFFICER**
 16 **FORCE TO ALL REGULAR STATUS.**

17 (a) ELIMINATE REQUIREMENT THAT ALL ACTIVE
 18 DUTY OFFICERS SERVE IN A RESERVE STATUS FOR AT
 19 LEAST ONE YEAR.—Section 532 of title 10, United States
 20 Code, is amended by striking subsection (e).

21 (b) AMEND THE QUALIFICATIONS FOR ORIGINAL AP-
 22 POINTMENT AS A COMMISSIONED OFFICER.—Section 532
 23 is further amended—

24 (1) in subsection (a)—

25 (A) by striking paragraph (2); and

1 (B) by redesignating paragraphs (3), (4),
2 and (5) as paragraphs (2), (3), and (4), respec-
3 tively; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(f) The Secretary of Defense may waive the require-
7 ment of subsection (a)(1) with respect to an alien lawfully
8 admitted to permanent residence when the Secretary de-
9 termines that the national security so requires.”.

10 (c) ELIMINATE LIMITATIONS PLACED ON TOTAL
11 STRENGTH OF REGULAR COMMISSIONED OFFICERS
12 SERVING ON THE ACTIVE-DUTY LIST.—Section 522 of
13 such title is repealed.

14 (d) ELIMINATE SENATE CONFIRMATION FOR ORIGI-
15 NAL APPOINTMENTS OF COMMISSIONED OFFICERS.—Sec-
16 tion 531(a) of such title is amended to read as follows:

17 “(a) Original appointments in the grades of second
18 lieutenant through captain in the Regular Army, Regular
19 Air Force, and Regular Marine Corps and in the grades
20 of ensign through lieutenant in the Regular Navy shall
21 be made by the President. The President may delegate
22 this authority to the Secretary of Defense. Original ap-
23 pointments in the grades of major, lieutenant colonel and
24 colonel in the Regular Army, Regular Air Force, and Reg-
25 ular Marine Corps and in the grades of lieutenant com-

1 mander, commander and captain in the Regular Navy
 2 shall be made by the President, by and with the advice
 3 and consent of the Senate.”.

4 (e) FORCE SHAPING AUTHORITY.—(1) Chapter 36 of
 5 such title is amended by adding after section 646 the fol-
 6 lowing new section:

7 **“§ 647. Force shaping authority**

8 “(a) IN GENERAL.—Under regulations prescribed by
 9 the Secretary concerned, for force shaping purposes only,
 10 the Secretary may discharge or transfer an officer on the
 11 active-duty list to the reserve active-status list, who:

12 “(1) has 7 years or less of commissioned serv-
 13 ice; or

14 “(2) has more than 7 years commissioned serv-
 15 ice, but has not completed his minimum service obli-
 16 gation.

17 “(b) DEFINITION.—In this section, the term ‘min-
 18 imum service obligation’ means—

19 “(1) the initial period of required active duty
 20 service; and

21 “(2) any additional period of required active
 22 duty service incurred during the initial period of re-
 23 quired active duty service.”.

24 (f) ELIGIBILITY FOR SEPARATION PAY UPON INVOL-
 25 UNTARY DISCHARGE.—Section 1174(e)(2)(B) of such title

1 is amended by inserting after “service” the following: “,
2 except under conditions as described in section 647 of this
3 title”.

4 (g) ELIMINATE REQUIREMENT FOR OATH UPON
5 TRANSITION FROM ACTIVE COMPONENT TO RESERVE
6 COMPONENT.—Section 12201(a) of such title is amended
7 by inserting after the first sentence the following new sen-
8 tence: “An officer who transfers from the active-duty list
9 to the reserve active-status list is not required to subscribe
10 to the oath prescribed by section 3331 of title 5.”.

11 (h) AUTHORITY TO APPOINT RESERVE OFFICERS
12 TRANSFERRED FROM THE ACTIVE-DUTY LIST TO THE
13 RESERVE ACTIVE-STATUS LIST.—Section 12203 of such
14 title is amended—

15 (1) by redesignating subsection (b) as sub-
16 section (c); and

17 (2) by inserting after subsection (a) the fol-
18 lowing new subsection (b):

19 “(b) Notwithstanding the requirements of subsection
20 (a), appointments of officers transferred from the active-
21 duty list to the reserve active-status list shall be made by
22 the Secretary concerned.”.

23 (i) TRANSFER OF OFFICERS FROM THE RESERVE
24 ACTIVE-STATUS LIST TO THE ACTIVE-DUTY LIST.—Sec-

1 tion 531 of such title is amended by adding at the end
2 the following new subsection:

3 “(c) Appointments in the Regular Army, Regular Air
4 Force, Regular Navy and Regular Marine Corps of officers
5 holding Reserve commissions may be made by the Sec-
6 retary concerned.”.

7 (j) EXEMPT READY RESERVE OFFICERS FROM THE
8 ACTIVE-DUTY LIST.—Section 641(1)(F) of such title is
9 amended to read as follows:

10 “(F) ordered to active duty under sections
11 12302 and 12304 of this title;”.

12 (k) DELETION OF REQUIREMENT TO SERVE 6
13 YEARS IN THE RESERVE COMPONENT TO MEET RETIRE-
14 MENT ELIGIBILITY.—Section 12731(a) of such title is
15 amended—

16 (1) by inserting “and” at the end of paragraph
17 (2);

18 (2) by striking paragraph (3); and

19 (3) by redesignating paragraph (4) as para-
20 graph (3).

21 (l) ALL REGULAR OFFICER APPOINTMENTS FOR
22 STUDENTS ATTENDING THE UNIVERSITY OF HEALTH
23 SCIENCES.—Section 2114(b) of such title is amended by
24 striking “Notwithstanding any other provision of law, they
25 shall serve on active duty in pay grade O–1 with full pay

1 and allowances of that grade. Upon graduation they shall
 2 be appointed in a regular component, if qualified, unless
 3 they are covered by section 2115 of this title.” and insert-
 4 ing “Notwithstanding any other provision of law, they
 5 shall be appointed in the regular component and shall
 6 serve on active duty as an O-1 with full pay and allow-
 7 ances of that grade. Upon graduation they shall be re-
 8 quired to serve on active duty unless covered by section
 9 2115 of this title.”.

10 (m) EFFECTIVE DATE.—The amendments made by
 11 this section shall take effect six months after the date of
 12 enactment of this Act.

13 **SEC. 502. STRENGTH IN GRADE: COMMISSIONED OFFICERS**
 14 **IN GRADES BELOW BRIGADIER GENERAL OR**
 15 **REAR ADMIRAL (LOWER HALF) IN AN ACTIVE**
 16 **STATUS.**

17 Section 12005(e)(1), of title 10, United States Code,
 18 is amended by amending the table to read as follows:

“Colonel-	2 percent
Lieutenant colonel-	8 percent
Major-	16 percent
Captain-	39 percent
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under sec- tion 12004 of this title)-	35 percent.”.

19 **SEC. 503. JOINT DUTY CREDIT REQUIRED FOR PROMOTION**
 20 **TO FLAG OR GENERAL OFFICER.**

21 Section 619a(b) of title 10, United States Code, is
 22 amended—

1 (1) in paragraph (2), by striking “scientific and
2 technical” and inserting “a career field specialty”;
3 and

4 (2) in paragraph (4), by striking “if—” and all
5 that follows and inserting “if the officer’s total con-
6 secutive service in joint duty assignments within
7 that immediate organization meets the requirements
8 of section 664 of this title for full joint duty credit.”.

9 **SEC. 504. REVISED PROMOTION POLICY OBJECTIVES FOR**
10 **JOINT OFFICERS.**

11 (a) IN GENERAL.—Section 662(a) of title 10, United
12 States Code, is amended to read as follows:

13 “(a) QUALIFICATIONS.—(1) The military depart-
14 ments shall establish internal procedures and processes
15 necessary to validate the qualifications of active duty list
16 officers assigned to joint duty activities, as defined in sec-
17 tion 668 of this title. These internal measures will ensure
18 an adequate number of senior colonels, or in the case of
19 the Navy, captains, are eligible for promotion to brigadier
20 general and rear admiral (lower half) to meet the require-
21 ments of section 619a of this title.

22 “(2) The Secretary of Defense shall ensure that the
23 qualifications of officers assigned to joint duty assign-
24 ments are such that—

1 “(A) officers who are serving on or have served
2 on the Joint Staff are expected, as a group, to be
3 promoted to the next higher grade at a rate not less
4 than the rate for officers of the same armed force
5 in the same grade and competitive category who are
6 serving on the headquarters staff of their armed
7 force; and

8 “(B) officers (other than officers in subpara-
9 graph (A)) who are serving in or have served in joint
10 duty assignments are expected, as a group, to be
11 promoted to the next higher grade at a rate not less
12 than the rate for all officers of the same armed force
13 in the same grade and competitive category.

14 “(3) The Secretary of Defense will develop policies
15 to ensure Secretaries of the military departments provide
16 appropriate consideration to joint service officers eligible
17 for promotion selection boards.”.

18 (b) CONFORMING AMENDMENT.—Subsection (b) of
19 such section is amended by striking “(1), (2), and (3)”
20 and inserting “(1)(A) and (1)(B)”.

21 **SEC. 505. MODIFY LENGTH OF JOINT DUTY ASSIGNMENTS.**

22 Section 664 of title 10, United States Code, is
23 amended to read as follows:

1 **“§ 664. Length of joint duty assignments**

2 “(a) LENGTH OF JOINT DUTY ASSIGNMENTS.—In
3 the case of officers serving in a grade not less than Major,
4 or, in the case of the Navy, Lieutenant Commander, the
5 length of a joint duty assignment will mirror the standard
6 tour length the Secretary of Defense establishes for each
7 installation or location authorized for joint duty assign-
8 ments as specified in section 668 of this title. Joint duty
9 credit is awarded as provided by subsection (c). Duty at
10 a qualified joint task force headquarters requires one year
11 of total service credited in the manner specified in sub-
12 section (c).

13 “(b) EXCLUSIONS FROM TOUR LENGTH.—The Sec-
14 retary of a military department may request that the joint
15 activity to which an officer is assigned curtail the officer’s
16 joint assignment. The officer will receive full credit for
17 service when an assignment was curtailed from the stand-
18 ards prescribed in subsection (a), provided the officer has
19 served at least 24 months in a joint position with a tour
20 length of greater than 24 months, or the full term of a
21 Secretary of Defense-established tour length, and the joint
22 activity agreed to the curtailment.

23 “(c) FULL CREDIT FOR JOINT DUTY.—An officer
24 shall be considered to have completed a full tour of joint
25 duty in a joint duty assignment for the purposes of award-
26 ing full credit upon the completion of any of the following:

1 “(1) A joint duty assignment that meets the
2 standards prescribed in subsection (a) or (b).

3 “(2) Accumulation of partial credit totaling one
4 year of service earned by service in one or more joint
5 task force headquarters as specified in subsection
6 (a).

7 “(3) A joint duty assignment with respect to
8 which the Secretary of Defense has granted a waiver
9 under subsection (d).

10 “(4) A second joint duty assignment that is less
11 than 24 months, without regard to the nature of
12 credit awarded to the officer for his or her first as-
13 signment in a Joint Duty Assignment List position.

14 “(d) WAIVER AUTHORITY.—The Secretary of De-
15 fense may waive this section when it is considered essential
16 for military personnel management. The Secretary may
17 grant such a waiver only on a case-by-case basis for a spe-
18 cific officer.”.

19 **SEC. 506. MANAGEMENT OF JOINT SPECIALTY OFFICERS.**

20 Section 661 of title 10, United States Code, is
21 amended—

22 (1) in subsection (c)—

23 (A) by amending paragraph (1) to read as
24 follows:

1 “(1) An officer will be designated with a joint spe-
2 cialty officer identifier after the officer—

3 “(A) successfully completes a Chairman of the
4 Joint Chiefs of Staff accredited program from a
5 joint professional military education institution and
6 successfully completes a full tour of duty in a joint
7 duty assignment (not necessarily in this order); or

8 “(B) successfully completes two full tours of
9 duty in joint duty assignments.”;

10 (B) by striking paragraphs (2) and (3);

11 and

12 (C) by redesignating paragraph (4) as
13 paragraph (2);

14 (2) by striking subsection (d);

15 (3) by redesignating subsections (e) and (f) as
16 subsections (d) and (e), respectively; and

17 (4) by amending subsection (d), as redesignated
18 by paragraph (3), to read as follows:

19 “(d) JOINT SPECIALTY OFFICER DESIGNATION FOR
20 GENERAL AND FLAG POSITIONS.—The Secretary shall en-
21 sure that general and flag officer joint duty assignments
22 that require officers with the joint specialty will be des-
23 igned as requiring a joint specialty officer. Once a posi-
24 tion is designated as requiring a joint specialty officer, a
25 non-joint specialty officer can be assigned to the position

1 only if the Secretary deems the assignment of a non-joint
2 specialty officer necessary and waives the requirement to
3 assign a joint specialty officer.”.

4 **SEC. 507. ELIMINATE DISTRIBUTION QUOTAS FOR GEN-**
5 **ERAL AND FLAG OFFICERS SERVING IN THE**
6 **GRADES OF O-7 AND O-8.**

7 Section 525 of title 10, United States Code, is
8 amended—

9 (1) by repealing subsection (a); and

10 (2) by redesignating subsections (b), (c), and

11 (d) as subsections (a), (b), and (c), respectively.

12 **SEC. 508. ELIMINATE MANDATORY RETIREMENT OF ACTIVE**
13 **DUTY GENERAL AND FLAG OFFICERS AFTER**
14 **30 YEARS OF SERVICE.**

15 (a) IN GENERAL.—Sections 635 and 636 of title 10,
16 United States Code, are repealed.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) Section 637(b) of such title is amended—

19 (A) by striking paragraph (2); and

20 (B) by redesignating paragraph (3) as para-
21 graph (2).

22 (2) The table of sections at the beginning of sub-
23 chapter III of chapter 36 of such title is amended by strik-
24 ing the items relating to sections 635 and 636.

1 **SEC. 509. LENGTH OF TERMS FOR THE ASSISTANTS TO THE**
2 **CHAIRMAN OF THE JOINT CHIEFS OF STAFF**
3 **FOR NATIONAL GUARD AND RESERVE MAT-**
4 **TERS.**

5 Subsection (c) of section 901 of the National Defense
6 Authorization Act for Fiscal Year 1998 (Public Law 105–
7 85; 111 Stat. 1853), is amended by striking “for a term
8 of two years and may be continued in that assignment in
9 the same manner for one additional term. However, in
10 time of war there is no limit on the number of terms.”.

11 **SEC. 510. LENGTH OF SERVICE FOR THE SENIOR LEADERS**
12 **OF THE MILITARY -DEPARTMENTS.**

13 (a) CHIEF OF STAFF OF THE ARMY.—Paragraph (1)
14 of section 3033(a) of title 10, United States Code, is
15 amended to read as follows:

16 “(a)(1) There is a Chief of Staff of the Army, ap-
17 pointed for a period of four years by the President, by
18 and with the advice and consent of the Senate, from the
19 general officers of the Army. He serves at the pleasure
20 of the President, and the President may extend the length
21 of service as he determines necessary.”.

22 (b) CHIEF OF NAVAL OPERATIONS.—Paragraph (1)
23 of section 5033(a) of such title is amended to read as fol-
24 lows:

25 “(a)(1) There is a Chief of Naval Operations, ap-
26 pointed by the President, by and with the advice and con-

1 sent of the Senate. The Chief of Naval Operations shall
2 be appointed for a term of four years, from officers on
3 the active-duty list in the line of the Navy who are eligible
4 to command at sea and who hold the grade of rear admiral
5 or above. He serves at the pleasure of the President, and
6 the President may extend the length of service as he deter-
7 mines necessary.”.

8 (c) COMMANDANT OF THE MARINE CORPS.—Para-
9 graph (1) of section 5043(a) of such title is amended to
10 read as follows:

11 “(a)(1) There is a Commandant of the Marine Corps,
12 appointed by the President, by and with the advice and
13 consent of the Senate. The Commandant shall be ap-
14 pointed for a term of four years from officers on the ac-
15 tive-duty list of the Marine Corps not below the grade of
16 colonel. He serves at the pleasure of the President, and
17 the President may extend the length of service as he deter-
18 mines necessary.”.

19 (d) CHIEF OF STAFF OF THE AIR FORCE.—Para-
20 graph (1) of section 8033(a) of such title is amended to
21 read as follows:

22 “(a)(1) There is a Chief of Staff of the Air Force,
23 appointed for a period of four years by the President, by
24 and with the advice and consent of the Senate, from the
25 general officers of the Air Force. He serves at the pleasure

1 of the President, and the President may extend the length
2 of service as he determines necessary.”.

3 **SEC. 511. EXTENDING AGE LIMITS FOR ACTIVE DUTY GEN-**
4 **ERAL AND FLAG OFFICERS.**

5 Section 1251 of title 10, United States Code, is
6 amended to read as follows:

7 **“§ 1251. Regular commissioned officers; exceptions**

8 “(a)(1) Unless retired or separated earlier, each reg-
9 ular commissioned officer of the Army, Air Force, or Ma-
10 rine Corps serving in a grade at or above brigadier general
11 or rear admiral (lower half) in the Navy shall be retired
12 on the first day of the month following the month in which
13 the officer becomes 68 years of age.

14 “(2) Notwithstanding paragraph (1), the Secretary of
15 Defense may defer the retirement of a general or flag offi-
16 cer, but such a deferment may not extend beyond the first
17 day of the month following the month in which the officer
18 becomes 72 years of age.

19 “(b)(1) Unless retired or separated earlier, each reg-
20 ular commissioned officer of the Army, Air Force, or Ma-
21 rine Corps (other than an officer who is a permanent pro-
22 fessor, director of admissions, or registrar of the United
23 States Military Academy or United States Air Force Acad-
24 emy or a commissioned warrant officer) serving in a grade
25 below brigadier general or rear admiral (lower half) in the

1 Navy shall be retired on the first day of the month fol-
2 lowing the month in which he becomes 62 years of age.
3 An officer who is a permanent professor at the United
4 States Military Academy or United States Air Force Acad-
5 emy, the director of admissions at the United States Mili-
6 tary Academy, or the registrar of the United States Air
7 Force Academy shall be retired on the first day of the
8 month following the month in which he becomes 64 years
9 of age.

10 “(2) The Secretary concerned may defer the retire-
11 ment under paragraph (1) of a health professions officer
12 if during the period of the deferment the officer will be
13 performing duties consisting primarily of providing patient
14 care or performing other clinical duties.

15 “(3) The Secretary concerned may defer the retire-
16 ment under paragraph (1) of an officer who is appointed
17 or designated as a chaplain if the Secretary determines
18 that such deferral is in the best interest of the military
19 department concerned.

20 “(4)(A) Except as provided in subparagraph (B), a
21 deferment under this subsection may not extend beyond
22 the first day of the month following the month in which
23 the officer becomes 68 years of age.

24 “(B) The Secretary concerned may extend a
25 deferment under this subsection beyond the day referred

1 to in subparagraph (A) if the Secretary determines that
2 extension of the deferment is necessary for the needs of
3 the military department concerned. Such an extension
4 shall be made on a case-by-case basis and shall be for such
5 period as the Secretary considers appropriate.

6 “(5) For purposes of this subsection, a health profes-
7 sions officer is—

8 “(A) a medical officer;

9 “(B) a dental officer; or

10 “(C) an officer in the Army Nurse Corps, an
11 officer in the Navy Nurse Corps, or an officer in the
12 Air Force designated as a nurse.”

13 **SEC. 512. LATERAL REASSIGNMENT OF CERTAIN GEN-**
14 **ERALS AND ADMIRALS.**

15 Subsection (a) of section 601 of title 10, United
16 States Code, is amended to read as follows:

17 “(a)(1) The President may designate positions of im-
18 portance and responsibility to carry the grade of general
19 or admiral or lieutenant general or vice admiral. The
20 President may assign to any such position an officer of
21 the Army, Navy, Air Force, or Marine Corps who is serv-
22 ing on active duty in any grade above colonel or, in the
23 case of an officer of the Navy, any grade above captain.
24 An officer assigned to any such position has the grade

1 specified by the President for such position, as provided
2 in paragraph (2).

3 “(2) An officer may be appointed initially to the
4 grade of general or admiral or lieutenant general or vice
5 admiral if he is appointed to that grade by the President,
6 by and with the advice and consent of the Senate. If the
7 President or Secretary of Defense reassigns such an offi-
8 cer to another position of importance and responsibility
9 at the same grade, no further appointment to that grade
10 is required unless the position to which the officer is reas-
11 signed is established by law.

12 “(3) Except as provided in subsection (b), the ap-
13 pointment of an officer to a grade under this section for
14 service in a position of importance and responsibility ends
15 on the date of the termination of the assignment of the
16 officer to that position.”.

17 **SEC. 513. LENGTH OF SERVICE FOR THE CHAIRMAN AND**
18 **VICE CHAIRMAN OF THE JOINT CHIEFS OF**
19 **STAFF.**

20 (a) CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—
21 Subsection (a) of section 152 of title 10, United States
22 Code, is amended—

23 (1) by amending paragraph (1) to read as fol-
24 lows:

1 “(1) There is a Chairman of the Joint Chiefs of Staff,
2 appointed by the President, by and with the advice and
3 consent of the Senate, from the officers of the regular
4 components of the armed forces. The Chairman serves at
5 the pleasure of the President for a term of two years, and
6 the President may appoint the Chairman for additional
7 two-year terms as he determines necessary.”; and

8 (2) by striking paragraph (3).

9 (b) VICE CHAIRMAN OF THE JOINT CHIEFS OF
10 STAFF.—Paragraph (3) of section 154(a) of such title is
11 amended to read as follows:

12 “(3) The Vice Chairman serves at the pleasure of the
13 President for a term of two years, and the President may
14 appoint the Vice Chairman for additional two-year terms
15 as he determines necessary.”.

16 **SEC. 514. PROMOTION POLICY OBJECTIVES FOR JOINT OF-**
17 **FICERS.**

18 Section 662(a)(3) of title 10, United States Code, is
19 amended by striking “(other than officers covered in para-
20 graphs (1) and (2))”.

1 **Subtitle B—Reserve Component**
2 **Management**

3 **SEC. 521. REVISED CONCEPT OF INACTIVE DUTY AND RE-**
4 **PEAL OF FUNERAL HONORS DUTY.**

5 (a) DEFINITION OF INACTIVE DUTY.—(1) Section
6 101(d)(7) of title 10, United States Code, is amended by
7 striking “training”.

8 (2) Section 101(22) of title 37, United States Code,
9 is amended by striking “training”.

10 (b) COMPENSATION FOR INACTIVE DUTY.—Section
11 206 of title 37, United States Code, is amended—

12 (1) by striking “**training**” in the section title;

13 (2) in subsection (a)(3)—

14 (A) in subparagraph (A)(ii), by striking
15 “training”; and

16 (B) in subparagraph (C), by striking
17 “training” each place it appears; and

18 (3) in paragraph (1) of subsection (b)—

19 (A) by inserting “(to include telecom-
20 muning)” after “appropriate duties”; and

21 (B) by inserting “or duty” after “kind of
22 training”.

23 (b) REPEAL OF FUNERAL HONORS DUTY.—(1)(A)
24 Section 12503 of title 10, United States Code, is repealed.

1 (B) The table of sections at the beginning of chapter
2 1213 of such title is amended by striking the item relating
3 to section 12503.

4 (2)(A) Section 115 of title 32, United States Code,
5 is repealed.

6 (B) The table of sections at the beginning of chapter
7 1 of such title 32 is amended by striking the item relating
8 to section 115.

9 (c) CONFORMING AMENDMENTS.—

10 (1) Section 802 of title 10, United States Code,
11 is amended—

12 (A) in paragraph (3) of subsection (a), by
13 striking “inactive-duty training” and inserting
14 “inactive duty”; and

15 (B) in subsection (d)—

16 (i) in paragraph (2)(B), by striking
17 “inactive-duty training” and inserting “in-
18 active duty”; and

19 (ii) in paragraph (5)(B), by striking
20 “inactive-duty training” and inserting “in-
21 active duty”.

22 (2) Section 803(d) of such title is amended by
23 striking “inactive-duty training” and inserting “in-
24 active duty” each place it appears.

25 (3) Section 936 of such title is amended—

1 (A) in subsection (a), by striking “inactive-
2 duty training” and inserting “inactive duty”;
3 and

4 (B) in subsection (b), by striking “inactive-
5 duty training” and inserting “inactive duty”.

6 (4) Section 976(a)(1)(C) of such title is amend-
7 ed by striking “inactive-duty training” and inserting
8 “inactive duty”.

9 (5) Section 1061(b) of such title is amended by
10 striking “inactive-duty training” each place it ap-
11 pears and inserting “inactive duty”.

12 (6) Section 1074a(a) of such title is amended—

13 (A) in paragraph (1)—

14 (i) by striking “inactive-duty train-
15 ing” each place it appears and inserting
16 “inactive duty”; and

17 (ii) by striking subparagraph (C).

18 (B) in paragraph (2)—

19 (i) by striking “inactive-duty train-
20 ing” each place it appears and inserting
21 “inactive duty”; and

22 (ii) by striking subparagraph (C).

23 (C) in paragraph (3), by striking “inactive-
24 duty training” each place it appears and insert-
25 ing “inactive duty”; and

1 (D) by striking paragraph (4).

2 (7) Section 1076(a)(2) of such title is amend-
3 ed—

4 (A) by striking “inactive-duty training”
5 each place it appears and inserting “inactive
6 duty”; and

7 (B) by striking subparagraph (E).

8 (8) Section 1086(c)(2)(B) of such title is
9 amended by striking “inactive-duty training” each
10 place it appears and inserting “inactive duty”.

11 (9) Section 1175(e)(2) of such title is amended
12 by striking “training”.

13 (10) Section 1204 of such title is amended—

14 (A) by striking “**inactive-duty train-**
15 **ing**” in the section heading and inserting “**in-**
16 **active duty**”; and

17 (B) in paragraph (2)—

18 (i) by striking “inactive-duty train-
19 ing” each place it appears and inserting
20 “inactive duty”;

21 (ii) by inserting “or” at the end of
22 clause (ii);

23 (iii) by striking “or” at the end of
24 clause (iii); and

25 (iv) by striking subparagraph (C).

1 (11) Section 1206 of such title is amended—

2 (A) by striking “**inactive-duty train-**
3 **ing**” in the section heading and inserting “**in-**
4 **active duty**”; and

5 (B) by amending paragraph (2) to read as
6 follows:

7 “(2) the disability is a result of an injury, ill-
8 ness, or disease incurred or aggravated in line of
9 duty while—

10 “(A) performing active duty or inactive
11 duty;

12 “(B) traveling directly to or from the place
13 at which such duty is performed; or

14 “(C) remaining overnight immediately be-
15 fore the commencement of inactive duty, or
16 while remaining overnight between successive
17 periods of inactive-duty training, at or in the vi-
18 cinity of the site of the inactive duty, if the site
19 is outside reasonable commuting distance of the
20 member’s residence.”.

21 (12)(A) Section 12552 is repealed.

22 (B) The table of sections at the beginning of
23 chapter 1215 of such title is amended by striking
24 the item relating to 12552.

1 (13) Section 1471(b)(3)(A) of such title is
2 amended by striking “training” each place it ap-
3 pears.

4 (14) Section 1475 of such title is amended—

5 (A) by striking “**training**” in the head-
6 ing; and

7 (B) in subsection (a)—

8 (i) in paragraph (2), by striking
9 “training”; and

10 (ii) in paragraph (3), by striking
11 “training” the second and fourth place it
12 appears.

13 (15) Section 1476 of such title is amended—

14 (A) by striking “**training**” in the head-
15 ing; and

16 (B) in subsection (a), by striking “inactive-
17 duty training” each place it appears and insert-
18 ing “inactive duty”.

19 (16) Section 1478(a) of such title is amended—

20 (A) in paragraph (3), by striking “train-
21 ing” each place it appears;

22 (B) in paragraph (7)—

23 (i) by striking “training” the first
24 place it appears; and

25 (ii) by striking “or training”; and

1 (C) in paragraph (8), by striking “train-
2 ing” each place it appears.

3 (17) Section 1481(a)(2) of such title is amend-
4 ed—

5 (A) by striking “inactive-duty training”
6 each place it appears and inserting “inactive
7 duty”;

8 (B) by striking “; or” at the end of sub-
9 paragraph (E) and inserting a period; and

10 (C) by striking subparagraph (F).

11 (18) Section 2031(d)(2) of such title is amend-
12 ed by striking “training”.

13 (19) Section 9446(a)(3) of such title is amend-
14 ed by striking “inactive-duty training” and inserting
15 “inactive duty”.

16 (20) Section 10204(b) of such title is amended
17 by striking “inactive duty training” and inserting
18 “inactive duty”.

19 (21) Section 12317 of such title is amended by
20 striking “training”.

21 (22) Section 12319(c) of such title is amend-
22 ed—

23 (A) by striking “inactive-duty training”
24 each place it appears and inserting “inactive
25 duty”; and

1 (B) by striking “that training” and insert-
2 ing “such duty”.

3 (23) Section 12602 of such title is amended—

4 (A) in subsection (a)(3), by striking “inac-
5 tive-duty training” each place it appears and in-
6 serting “inactive duty”; and

7 (B) in subsection (b)(3), by striking “inac-
8 tive-duty training” each place it appears and in-
9 serting “inactive duty”.

10 (24) Section 12603 of such title is amended—

11 (A) by striking “**inactive-duty train-**
12 **ing**” in the section heading and inserting “**in-**
13 **active duty**”; and

14 (B) in subsection (a)—

15 (i) by striking “training” the first
16 place it appears; and

17 (ii) by striking “the training” and in-
18 serting “such duty”.

19 (25) Section 12604 of such title is amended—

20 (A) by striking “**inactive-duty train-**
21 **ing**” in the section heading and inserting “**in-**
22 **active duty**”; and

23 (B) in subsection (a), by striking “inactive-
24 duty training” and inserting “inactive duty”.

1 (26) Section 12732(a) of such title is amended
2 in paragraph (2)—

3 (A) by striking subparagraph (E); and

4 (B) by striking “clauses (A), (B), (C), (D),
5 and (E)” and inserting “clauses (A), (B), (C),
6 and (D)”.

7 (27) Section 18505 of such title is amended—

8 (A) by striking “**inactive-duty train-**
9 **ing**” in the section heading and inserting “**in-**
10 **active duty**”; and

11 (B) in subsection (a), by striking “inactive-
12 duty training” each place it appears and insert-
13 ing “inactive duty”.

14 (28) Section 114 of title 32, United States
15 Code, is amended by striking the second sentence.

16 (29) Section 101(22) of title 37, United States
17 Code, is amended by striking “inactive-duty train-
18 ing” and inserting “inactive duty”.

19 (30) Section 204 of such title is amended—

20 (A) in subsection (g)(1)—

21 (i) in subparagraph (B), by striking
22 “inactive-duty training” and inserting “in-
23 active duty”;

24 (ii) in subparagraph (C), by striking
25 “or training”;

1 (iii) in subparagraph (D)—

2 (I) by striking “inactive-duty
3 training” each place it appears and
4 inserting “inactive duty”; and

5 (II) by striking “; or” at the end
6 and inserting a period; and

7 (iv) by striking subparagraph (E);

8 and

9 (B) in subsection (h)(1)—

10 (i) in subparagraph (B), by striking
11 “inactive-duty training” and inserting “in-
12 active duty”;

13 (ii) in subparagraph (C), by striking
14 “or training”;

15 (iii) in subparagraph (D)—

16 (I) by striking “inactive-duty
17 training” each place it appears and
18 inserting “inactive duty”; and

19 (II) by striking “; or” at the end
20 and inserting a period; and

21 (iv) by striking subparagraph (E).

22 (31) Section 205(e)(2)(A) of such title is
23 amended by striking “inactive-duty training” and in-
24 serting “inactive duty”.

25 (32) Section 206 of such title is amended—

1 (A) by striking “**inactive-duty train-**
2 **ing**” in the section heading and inserting “**in-**
3 **active duty**”; and

4 (B) in subsection (a)(3)—

5 (i) in subparagraph (A)(ii), by strik-
6 ing “inactive-duty training” and inserting
7 “inactive duty”;

8 (ii) in subparagraph (B), by striking
9 “or training”; and

10 (iii) in subparagraph (C), by striking
11 “inactive-duty training” each place it ap-
12 pears and inserting “inactive duty”.

13 (33) Section 308d(a) of such title is amended
14 by striking “for training”.

15 (34) Section 320(e) of such title is amended by
16 striking “TRAINING” in the heading.

17 (35) Section 415 of such title is amended—

18 (A) in subsection (a)(3), by striking “inac-
19 tive-duty training” and inserting “inactive
20 duty”; and

21 (B) in subsection (c)(1), by striking “train-
22 ing status”.

23 (36) Section 433(d) of such title is amended by
24 striking “inactive-duty training” and inserting “in-
25 active duty”.

1 (37) Section 552 of such title is amended—

2 (A) in subsection (a), by striking “inactive-
3 duty training” each place it appears and insert-
4 ing “inactive duty”; and

5 (B) in subsection (d), by striking “inactive-
6 duty training” and inserting “inactive duty”.

7 (38) Section 106(d)(1) of title 38, United
8 States Code, is amended by striking “inactive duty
9 for training” each place it appears and inserting
10 “inactive duty”.

11 (39) Section 1112(c)(3)(A)(ii) of such title is
12 amended by striking “training” the second place it
13 appears.

14 (40) Section 1302(b)(2) of such title is amend-
15 ed by striking “training” the second place it ap-
16 pears.

17 (41) Section 1312(a)(2)(A) of such title is
18 amended by striking “training” the second place it
19 appears.

20 (42) Section 1965 of such title is amended—

21 (A) in paragraph (3), by striking “train-
22 ing”;

23 (B) in paragraph (4), by striking “train-
24 ing” the second and third place it appears; and

1 (C) in paragraph (5), by striking “inactive
2 duty for training” each place it appears and in-
3 serting “inactive duty”.

4 (43) Section 1967 of such title is amended—

5 (A) in subsection (a)(1)(B), by striking
6 “inactive duty training” and inserting “inactive
7 duty”; and

8 (B) in subsection (b), by striking “inactive
9 duty training” each place it appears and insert-
10 ing “inactive duty”.

11 (44) Section 1968 of such title is amended—

12 (A) in subsection (a)—

13 (i) by striking “inactive duty train-
14 ing” and inserting “inactive duty”;

15 (ii) in paragraph (3)—

16 (I) by striking “inactive duty
17 training” and inserting “inactive
18 duty”;

19 (II) by striking “such scheduled
20 training period” and inserting “such
21 scheduled duty”;

22 (III) by striking “such period”
23 and inserting “such duty”; and

24 (IV) by striking “such training”
25 and inserting “such duty”; and

1 (B) in subsection(b)(2), by striking “inac-
2 tive duty training” and inserting “inactive
3 duty”.

4 (45) Section 1969(a)(3) of such title is amend-
5 ed by striking “inactive duty training” and inserting
6 “inactive duty”.

7 (46) Section 1977(e) of such title is amended
8 by striking “inactive duty training” and inserting
9 “inactive duty”.

10 (47) Section 2402(2) of such title is amended
11 by striking “inactive duty training” and inserting
12 “inactive duty”.

13 (48) Section 4303 of such title is amended—

14 (A) in paragraph (13)—

15 (i) by striking “inactive duty train-
16 ing” and inserting “inactive duty”; and

17 (ii) by striking “, and a period for
18 which a person is absent from employment
19 for the purpose of performing funeral hon-
20 ors duty as authorized by section 12503 of
21 title 10 or section 115 of title 32”; and

22 (B) in paragraph (16), by striking “inac-
23 tive duty training” and inserting “inactive
24 duty”.

1 (49) Section 704 of title 14, United States
2 Code, is amended by striking “inactive-duty train-
3 ing” and inserting “inactive duty”.

4 (50) Section 705(a) of such title is amended by
5 striking “inactive-duty training” and inserting “in-
6 active duty”.

7 (51) Section 6323(a)(1) of title 5, United
8 States Code, is amended—

9 (A) by striking “inactive-duty training”
10 and inserting “inactive duty”; and

11 (B) by striking “funeral honors duty (as
12 described in section 12503 of title 10 and sec-
13 tion 115 of title 32),”.

14 **SEC. 522. AUTHORIZED STRENGTHS OF NAVY AND MARINE**
15 **CORPS RESERVE FLAG AND GENERAL OFFI-**
16 **CERS.**

17 Section 12004 of title 10, United States Code, is
18 amended—

19 (1) by amending subsection (c) to read as fol-
20 lows:

21 “(c) The authorized strength of the Navy and Marine
22 Corps under subsection (a) is exclusive of officers counted
23 under section 526 of this title.”;

24 (2) by striking subsection (d); and

1 (3) by redesignating subsection (e) as sub-
2 section (d).

3 **SEC. 523. MANDATORY RETENTION ON ACTIVE DUTY TO**
4 **QUALIFY FOR RETIREMENT PAY.**

5 Section 12686 of title 10, United States Code, is
6 amended—

7 (1) by redesignating subsection (b) as sub-
8 section (c); and

9 (2) by inserting after subsection (a) the fol-
10 lowing new subsection (b):

11 “(b) NON-REGULAR RETIREMENT EXCLUSION.—
12 This section does not apply to a member who, if continued
13 on active duty, will only qualify for retirement under chap-
14 ter 1223 of this title for non-regular service.”.

15 **SEC. 524. AMENDMENT TO THE PURPOSE OF THE RESERVE**
16 **COMPONENTS.**

17 Subsection 10102 of title 10, United States Code, is
18 amended by striking “, during and after the period needed
19 to procure and train additional units and qualified persons
20 to achieve the planned mobilization,”.

21 **SEC. 525. ACCOUNTING AND MANAGEMENT OF NATIONAL**
22 **GUARD AND RESERVE PERSONNEL PER-**
23 **FORMING ACTIVE OR FULL-TIME DUTY.**

24 (a) STRENGTH AUTHORIZATIONS.—Section 115 of
25 title 10, United States Code, is amended—

1 (1) in subsection (a)(1)—

2 (A) in subparagraph (A), by striking “ac-
3 tive-duty personnel who” and inserting “active-
4 duty personnel (other than members of a Re-
5 serve component described in subsection (b)(2))
6 who”; and

7 (B) in subparagraph (B), by inserting be-
8 fore the period at the end the following: “in
9 connection with organizing, administering, re-
10 cruiting, instructing, or training the reserve
11 components of the armed forces to perform du-
12 ties as prescribed in section 12310 of this
13 title”;

14 (2) by striking subsection (h);

15 (3) by redesignating subsections (b), (c), (d),
16 (e), (f), and (g) as subsections (c), (d), (e), (f), (g),
17 and (h), respectively;

18 (4) by inserting after subsection (a) the fol-
19 lowing new subsection (b):

20 “(b) CERTAIN RESERVES ON ACTIVE DUTY TO BE
21 AUTHORIZED BY LAW.—Except as authorized under sub-
22 section (a)(1), Congress shall authorize the maximum av-
23 erage strength for members of a Reserve component on
24 active duty (other than for training) or full time National

1 Guard duty (other than for training) who are to be paid
2 from funds appropriated for—

3 “(1) reserve personnel; or

4 “(2) active duty personnel, to include funds re-
5 imbursed to reserve appropriations for National
6 Guard or reserve personnel to perform active duty or
7 full-time National Guard duty provided—

8 “(A) the period of duty is for three years
9 or less; and

10 “(B) the cumulative periods of active duty
11 (other than for training) and full-time National
12 Guard duty (other than for training) performed
13 by the member in the previous 1460 days is less
14 than 1095 days.”;

15 (5) in subsection (e) (as redesignated by para-
16 graph (3))—

17 (A) in paragraph (1), by striking “sub-
18 section (a) or (c)” and inserting “subsection (a)
19 or (d); and

20 (B) in paragraph (2)—

21 (i) by striking “subsection (a) and
22 (c)”;

23 (d)”;

24 (ii) by striking “subsection (a) (as
25 such levels may be adjusted pursuant to

1 subsection (e)) and subsection (c)” and in-
2 sserting “subsection (a) (as such levels may
3 be adjusted pursuant to subsection (f)) and
4 subsection (d)”;

5 (iii) by striking “subsection (a) (as
6 adjusted pursuant to subsection (e)) and
7 subsection (c)” and inserting “subsection
8 (a) (as adjusted pursuant to subsection
9 (f)) and subsection (d)”;

10 (6) in subsection (f) (as redesignated by para-
11 graph (3))—

12 (A) by striking “END” in the heading;

13 (B) by striking “and” at the end of para-
14 graph (2);

15 (C) in paragraph (3), by striking the pe-
16 riod and inserting “; and”; and

17 (D) by adding at the end the following new
18 paragraph:

19 “(4) increase the strength authorized pursuant
20 to subsection (b), notwithstanding the restrictions of
21 subparagraph (A) and (B) of paragraph (2), for a
22 fiscal year for any of the armed forces by a number
23 equal to the number of members—

1 “(A) of a reserve component of that armed
2 force on active duty in support of a contingency
3 operation;

4 “(B) of the National Guard called into
5 Federal service under section 12406 of this
6 title;

7 “(C) of the militia called into Federal serv-
8 ice under chapter 15 of this title; and

9 “(D) of a reserve component called to or
10 retained on active duty under section 12301(g),
11 12301(h) or 12322 of this title.”; and

12 (7) in paragraph (2) of subsection (g) (as re-
13 designated by paragraph (3)), by striking “sub-
14 section (e)(1)” and inserting “subsection (f)(1)”.

15 (b) MILITARY TO MILITARY CONTACT STRENGTH
16 ACCOUNTING.—Section 168 of such title is amended—

17 (1) by striking subsection (f); and

18 (2) by redesignating subsection (g) as sub-
19 section (f).

20 (c) E-8 AND E-9 STRENGTH ACCOUNTING.—Sub-
21 section (a) of section 517 of such title is amended by strik-
22 ing “(other than for training) in connection with orga-
23 nizing, administering, recruiting, instructing, or training
24 the reserve component of an armed force” and inserting

1 “as authorized under section 115(a)(1)(B) or (b) of this
2 title”.

3 (d) FIELD GRADE OFFICER STRENGTH ACCOUNT-
4 ING.—Subparagraph (B) of section 523(b)(1) of such title
5 is amended to read as follows:

6 “(B) on active duty or full-time National
7 Guard duty as authorized under section
8 115(a)(1)(B) or (b) of this title;”.

9 (e) ACTIVE GUARD AND RESERVE FIELD GRADE OF-
10 FICER STRENGTH ACCOUNTING.—Paragraph (2) of sec-
11 tion 12011(e) of such title is amended by inserting before
12 the period at the end the following: “in connection with
13 organizing, administering, recruiting, instructing, or train-
14 ing members of the National Guard”.

15 (f) WARRANT OFFICER ACTIVE-DUTY LIST EXCLU-
16 SION.—Paragraph (1) of section 582 of such title is
17 amended—

18 (1) by inserting “or” after the semicolon at the
19 end of subparagraph (A);

20 (2) by amending subparagraph (B) to read as
21 follows:

22 “(B) on active duty or full-time National
23 Guard duty as authorized under section
24 115(a)(1)(B) or (b) of this title;” and

1 (3) by striking subparagraphs (C), (D), and
2 (E).

3 (g) OFFICER ACTIVE-DUTY LIST, APPLICABILITY OF
4 CHAPTER.—Paragraph (1) of section 641 of such title 10,
5 United States Code, is amended—

6 (1) by inserting “or” after the semicolon at the
7 end of subparagraph (A);

8 (2) by amending subparagraph (B) to read as
9 follows:

10 “(B) on active duty or full-time National
11 Guard duty as authorized under section
12 115(a)(1)(B) or (b) of this title.”; and

13 (3) by striking subparagraphs (C), (D), (E),
14 (F), (G), and (H).

15 (h) STRENGTH ACCOUNTING FOR MEMBERS PER-
16 FORMING DRUG INTERDICTION AND COUNTER-DRUG AC-
17 TIVITIES.—Section 112 of title 32, United States Code,
18 is amended—

19 (1) by amending subsection (e) to read as fol-
20 lows:

21 “(e) STRENGTH ACCOUNTING.—Members of the Na-
22 tional Guard on active duty or full-time National Guard
23 duty for the purposes of administering this section shall
24 be accounted for under section 115(b) of title 10.”; and

1 (2) in subsection (f)(1), by striking “for a pe-
2 riod of more than 180 days” each place it appears.

3 **SEC. 526. WAIVE REQUIREMENT THAT RESERVE CHIEFS**
4 **AND NATIONAL GUARD DIRECTORS MUST**
5 **HAVE SIGNIFICANT JOINT DUTY EXPERI-**
6 **ENCE.**

7 (a) CHIEF OF ARMY RESERVE.—Section 3038(b)(4)
8 of title 10, United States Code, is amended by striking
9 “Until December 31, 2004, the” and inserting “The”.

10 (b) CHIEF OF NAVAL RESERVE.—Section 5143(b)(4)
11 of such title is amended by striking “Until December 31,
12 2004, the” and inserting “The”.

13 (c) COMMANDER MARINE FORCES RESERVE.—Sec-
14 tion 5144(b)(4) of such title is amended by striking “Until
15 December 31, 2004, the” and inserting “The”.

16 (d) CHIEF OF AIR FORCE RESERVE.—Section
17 8038(b)(4) of such title is amended by striking “Until De-
18 cember 31, 2004, the” and inserting “The”.

19 (e) DIRECTOR, ARMY NATIONAL GUARD AND DIREC-
20 TOR, AIR NATIONAL GUARD.—Section 10506(a)(3)(D) of
21 such title is amended by striking “Until December 31,
22 2004, the” and inserting “The”.

1 **SEC. 527. EXTENDING AGE LIMITS FOR RESERVE AND NA-**
2 **TIONAL GUARD GENERAL AND FLAG OFFI-**
3 **CERS.**

4 (a) MAXIMUM AGE FOR RESERVE COMPONENT GEN-
5 ERAL AND FLAG OFFICERS.—(1) Section 14511 of title
6 10, United States Code, is amended to read as follows:

7 **“§ 14511. Separation at age 68: reserve officers in**
8 **grades above colonel or Navy captain**

9 “(a) MAXIMUM AGE.—Unless retired, transferred to
10 the Retired Reserve, or discharged at an earlier date, each
11 reserve officer of the Army, Air Force, or Marine Corps
12 in a grade above colonel and each reserve officer of the
13 Navy in a grade above captain shall be separated in ac-
14 cordance with section 14515 of this title on the last day
15 of the month in the month in which the officer becomes
16 68 years of age.

17 “(b) RETENTION BEYOND AGE 68.—Notwith-
18 standing subsection (a), the Secretary of Defense may
19 defer the retirement of a reserve officer serving in a grade
20 above colonel in the case of the Army, Air Force, or Ma-
21 rine Corps, or a reserve officer serving in a grade above
22 captain in the case of the Navy, but such a deferment may
23 not extend beyond the last day of the month following the
24 month in which the officer becomes 72 years of age.”.

25 (2) Sections 14510 and 14512 of such title are re-
26 pealed.

1 (b) REPEAL YEARS OF SERVICE REQUIREMENT FOR
2 RESERVE COMPONENT GENERAL AND FLAG OFFICER.—
3 Section 14508 of such title is repealed.

4 (c) ELIMINATION OF TERM LIMITATION FOR RE-
5 SERVE COMPONENT GENERAL AND FLAG OFFICER POSI-
6 TIONS.—(1) Section 10502 of such title is amended—

7 (A) by striking subsection (b); and

8 (B) by redesignating subsections (c) and (d) as
9 subsections (b) and (c), respectively.

10 (2) Subsection (a) of section 10505 of such title is
11 amended—

12 (A) by striking paragraph (3); and

13 (B) by redesignating paragraph (4) as para-
14 graph (3).

15 (3) Subsection (c) of section 3038 of such title is
16 amended to read as follows:

17 “(c) GRADE.—The Chief of Army Reserve, while so
18 serving, holds the grade of lieutenant general.”.

19 (4) Subsection (c) of section 5143 of such title is
20 amended to read as follows:

21 “(c) GRADE.—The Chief of Naval Reserve, while so
22 serving, holds the grade of vice admiral.”.

23 (5) Subsection (c) of section 5144 of such title is
24 amended to read as follows:

1 “(c) GRADE.—The Commander, Marine Forces Re-
2 serve, while so serving, holds the grade of lieutenant gen-
3 eral.”.

4 (6) Subsection (c) of section 8038 of such title is
5 amended to read as follows:

6 “(c) GRADE.—(1) The Chief of Air Force Reserve,
7 while so serving, holds the grade of lieutenant general.”.

8 (7) Paragraph (3) of section 10506(a) of such title
9 is amended by striking subparagraph (E).

10 (d) CONFORMING AMENDMENTS.—(1) Section 10214
11 of such title is amended by striking “sections 12004(b)(1),
12 12215, 12642(c), 14507(b), 14508(e), and 14512” and
13 inserting “sections 12004(b)(1), 12215, 12642(c), and
14 14507(b)”.

15 (2) Section 14514 of such title is amended by striking
16 “section 14507, 14508, 14704, or 14705” and inserting
17 “section 14507, 14704, or 14705”.

18 (3) Section 14515 of such title is amended by striking
19 “section 14509, 14510, 14511, or 14512” and inserting
20 “section 14509 or 14511”.

21 (4) Section 14702 of such title is amended by striking
22 “section 14506, 14507, or 14508” and inserting “section
23 14506 or 14507”.

24 (5) Section 14705 of such title is repealed.

1 (6) The table of sections at the beginning of chapter
2 1407 of such title is amended—

3 (A) by amending the item relating to section
4 14511 to read as follows:

“14511. Separation at age 68: reserve officers in grades above colonel or Navy
captain”;

5 and

6 (B) by striking the items relating to sections
7 14508, 14510, and 14512.

8 (7) Subsection (a) of section 324 of title 32, United
9 States Code, is amended by striking “An officer” and in-
10 serting “Except as provided in section 14511 of title 10,
11 an officer”.

12 **SEC. 528. EXPANDED USE OF RESERVE COMPONENT MEM-**
13 **BERS TO PERFORM DEVELOPMENTAL TEST-**
14 **ING AND NEW EQUIPMENT TRAINING.**

15 (a) REIMBURSEMENT.—The Secretary of the Army
16 may transfer from funds available to support an acquisi-
17 tion program the amount necessary to reimburse the ap-
18 propriate reserve component military personnel account
19 for costs charged that account for military pay and allow-
20 ances in connection with the demonstration program de-
21 scribed in subsection (b).

22 (b) DEMONSTRATION PROGRAM.—(1) A demonstra-
23 tion program under this section shall evaluate—

1 (A) cost savings and other benefits that may re-
2 sult from the use of members of the reserve compo-
3 nents to perform test, evaluation, and related activi-
4 ties for an acquisition program, rather than the use
5 of contractor personnel for such purposes; and

6 (B) the use of appropriations available for
7 multi-year research, development, testing and eval-
8 uation and procurement to reimburse reserve compo-
9 nents for the pay, allowances, and expenses incurred
10 when such members perform duties to conduct ac-
11 quisition, logistics, and new equipment training ac-
12 tivities in connection with the demonstration pro-
13 gram.

14 (2) Nothing in this section authorizes a deviation
15 from established Reserve and National Guard personnel
16 and training procedures.

17 (c) LIMITATION ON AMOUNT.—Not more than
18 \$10,000,000 may be transferred under this section during
19 each year of the demonstration program.

20 (d) MERGER OF TRANSFERRED FUNDS.—Funds
21 transferred to an account under this section shall be
22 merged with other sums in the account and shall be avail-
23 able for the same period and purposes as the sums with
24 which merged.

1 (e) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
 2 ITY.—The transfer authority under this section is in addi-
 3 tion to any other transfer authority.

4 (f) TERMINATION.—The demonstration program
 5 under this section shall terminate on September 30, 2009.

6 **Subtitle C—ROTC and Military**
 7 **Service Academies**

8 **SEC. 531. INSTITUTIONS OF HIGHER EDUCATION THAT**
 9 **PREVENT ROTC ACCESS OR MILITARY RE-**
 10 **CRUITING ON CAMPUS; EQUAL TREATMENT**
 11 **WITH OTHER EMPLOYERS.**

12 Section 983(b)(1) of title 10, United States Code, is
 13 amended by striking “; or” at the end and inserting “,
 14 that is at least equal in quality and scope to that provided
 15 to any other employer; or”.

16 **SEC. 532. BOARD OF VISITORS; UNITED STATES AIR FORCE**
 17 **ACADEMY; UNITED STATES MILITARY ACAD-**
 18 **EMY; UNITED STATES NAVAL ACADEMY.**

19 (a) UNITED STATES AIR FORCE ACADEMY.—Section
 20 9355 of title 10, United States Code, is amended to read
 21 as follows:

22 **“§ 9355. Board of Visitors**

23 “(a) A Board of Visitors to the Academy is con-
 24 stituted annually of—

1 “(1) two members of the Senate designated by
2 the Vice President or the President pro tempore of
3 the Senate;

4 “(2) one person, who is not a member of the
5 Senate, as designated by the Vice President or the
6 President pro tempore of the Senate;

7 “(3) three members of the House of Represent-
8 atives designated by the Speaker of the House of
9 Representatives;

10 “(4) one person, who is not a member of the
11 House of Representatives, designated by the Speaker
12 of the House of Representatives; and

13 “(5) eight persons designated by the President,
14 or his designee.

15 “(b) All Board members will pledge full participation
16 in executing their responsibilities to the Board. The per-
17 sons designated by the President serve for three years
18 each except that any member whose term of office has ex-
19 pired shall continue to serve until his successor is ap-
20 pointed. The President shall designate replacement mem-
21 bers each year to succeed the members appointed by the
22 President whose terms expire that year. At least two per-
23 sons designated by the President shall be graduates of the
24 Air Force Academy.

1 “(c) If a member of the Board dies or resigns, a suc-
2 cessor shall be designated for the unexpired portion of the
3 term by the official who designated the member. If a mem-
4 ber fails to attend or fully participate in two successive
5 Board meetings, Board membership will be automatically
6 terminated, unless granted prior excusal from those meet-
7 ings, for good cause, by the Board Chairman.

8 “(d) When possible, the Board should meet at least
9 four times a year, with at least two of those meetings at
10 the Academy. The Board or its members may make other
11 visits to the Academy in connection with the duties of the
12 Board.

13 “(e) Board meetings should last at least one full day.
14 The Board shall inquire into the morale, discipline, and
15 social climate, the curriculum, instruction, physical equip-
16 ment, fiscal affairs, academic methods, and other matters
17 relating to the Academy which the Board decides to con-
18 sider and receive candid and complete disclosure, con-
19 sistent with applicable laws concerning disclosure of infor-
20 mation, by the Secretary of the Air Force and Academy
21 Superintendent of all institutional problems, and to rec-
22 ommend appropriate action. Board members shall have
23 unfettered access to Academy grounds and cadets.

24 “(f) Within 30 days after any meeting, the Board
25 shall submit a written report to the Secretary of Defense,

1 through the Secretary of the Air Force, with its views and
2 recommendations pertaining to the Academy.

3 “(g) Upon approval by the Secretary, the Board may
4 call in advisers for consultation.

5 “(h) While performing duties, each member of the
6 Board and each adviser shall be reimbursed under Govern-
7 ment travel regulations for travel expenses.”.

8 (b) UNITED STATES MILITARY ACADEMY.—Section
9 4355 of such title is amended to read as follows:

10 **“§ 4355. Board of Visitors**

11 “(a) A Board of Visitors to the Academy is con-
12 stituted annually of—

13 “(1) two members of the Senate designated by
14 the Vice President or the President pro tempore of
15 the Senate;

16 “(2) one person, who is not a member of the
17 Senate, as designated by the Vice President or the
18 President pro tempore of the Senate;

19 “(3) three members of the House of Represent-
20 atives designated by the Speaker of the House of
21 Representatives;

22 “(4) one person, who is not a member of the
23 House of Representatives, designated by the Speaker
24 of the House of Representatives; and

1 “(5) eight persons designated by the President,
2 or his designee.

3 “(b) All Board members will pledge full participation
4 in executing their responsibilities to the Board. The per-
5 sons designated by the President serve for three years
6 each except that any member whose term of office has ex-
7 pired shall continue to serve until his successor is ap-
8 pointed. The President shall designate replacement mem-
9 bers each year to succeed the members appointed by the
10 President whose terms expire that year. At least two per-
11 sons designated by the President shall be graduates of the
12 United States Military Academy.

13 “(c) If a member of the Board dies or resigns, a suc-
14 cessor shall be designated for the unexpired portion of the
15 term by the official who designated the member. If a mem-
16 ber fails to attend or fully participate in two successive
17 Board meetings, Board membership will be automatically
18 terminated, unless granted prior excusal from those meet-
19 ings, for good cause, by the Board Chairman.

20 “(d) When possible, the Board should meet at least
21 four times a year, with at least two of those meetings at
22 the Academy. The Board or its members may make other
23 visits to the Academy in connection with the duties of the
24 Board.

1 “(e) Board meetings should last at least one full day.
2 The Board shall inquire into the morale, discipline, and
3 social climate, the curriculum, instruction, physical equip-
4 ment, fiscal affairs, academic methods, and other matters
5 relating to the Academy which the Board decides to con-
6 sider and receive candid and complete disclosure, con-
7 sistent with applicable laws concerning disclosure of infor-
8 mation, by the Secretary of the Army and Academy Super-
9 intendent of all institutional problems, and to recommend
10 appropriate action. Board members shall have unfettered
11 access to Academy grounds and cadets.

12 “(f) Within 30 days after any meeting, the Board
13 shall submit a written report to the Secretary of Defense,
14 through the Secretary of the Army, with its views and rec-
15 ommendations pertaining to the Academy.

16 “(g) Upon approval by the Secretary, the Board may
17 call in advisers for consultation.

18 “(h) While performing duties, each member of the
19 Board and each adviser shall be reimbursed under Govern-
20 ment travel regulations for travel expenses.”.

21 (c) UNITED STATES NAVAL ACADEMY.—Section
22 6968 of such title is amended to read as follows:

23 **“§ 6968. Board of Visitors**

24 “(a) A Board of Visitors to the Naval Academy is
25 constituted annually of—

1 “(1) two members of the Senate designated by
2 the Vice President or the President pro tempore of
3 the Senate;

4 “(2) one person, who is not a member of the
5 Senate, as designated by the Vice President or the
6 President pro tempore of the Senate;

7 “(3) three members of the House of Represent-
8 atives designated by the Speaker of the House of
9 Representatives;

10 “(4) one person, who is not a member of the
11 House of Representatives, designated by the Speaker
12 of the House of Representatives; and

13 “(5) eight persons designated by the President,
14 or his designee.

15 “(b) All Board members will pledge full participation
16 in executing their responsibilities to the Board. The per-
17 sons designated by the President serve for three years
18 each except that any member whose term of office has ex-
19 pired shall continue to serve until his successor is ap-
20 pointed. The President shall designate replacement mem-
21 bers each year to succeed the members appointed by the
22 President whose terms expire that year. At least two per-
23 sons designated by the President shall be graduates of the
24 United States Naval Academy.

1 “(c) If a member of the Board dies or resigns, a suc-
2 cessor shall be designated for the unexpired portion of the
3 term by the official who designated the member. If a mem-
4 ber fails to attend or fully participate in two successive
5 Board meetings, Board membership will be automatically
6 terminated, unless granted prior excusal from those meet-
7 ings, for good cause, by the Board Chairman.

8 “(d) When possible, the Board should meet at least
9 four times a year, with at least two of those meetings at
10 the Academy. The Board or its members may make other
11 visits to the Academy in connection with the duties of the
12 Board.

13 “(e) Board meetings should last at least one full day.
14 The Board shall inquire into the morale, discipline, and
15 social climate, the curriculum, instruction, physical equip-
16 ment, fiscal affairs, academic methods, and other matters
17 relating to the Academy which the Board decides to con-
18 sider and receive candid and complete disclosure, con-
19 sistent with applicable laws concerning disclosure of infor-
20 mation, by the Secretary of the Navy and Academy Super-
21 intendent of all institutional problems, and to recommend
22 appropriate action. Board members shall have unfettered
23 access to Academy grounds and cadets.

24 “(f) Within 30 days after any meeting, the Board
25 shall submit a written report to the Secretary of Defense,

1 through the Secretary of the Navy, with its views and rec-
2 ommendations pertaining to the Academy.

3 “(g) Upon approval by the Secretary, the Board may
4 call in advisers for consultation.

5 “(h) While performing duties, each member of the
6 Board and each adviser shall be reimbursed under Govern-
7 ment travel regulations for travel expenses.”.

8 **SEC. 533. DEAN OF THE FACULTY; DEAN OF ACADEMIC**
9 **BOARD.**

10 (a) UNITED STATES AIR FORCE ACADEMY.—Section
11 9335 of title 10, United States Code, is amended to read
12 as follows:

13 **“§ 9335. Dean of the Faculty**

14 “(a) There shall be a Dean of the Faculty at the
15 Academy responsible to the Superintendent for developing
16 and sustaining the curriculum and overseeing the faculty.
17 Notwithstanding any other provision in law, the qualifica-
18 tions, selection procedures, training, retention, and deter-
19 minations of appropriate pay grade of the Dean of Faculty
20 shall be prescribed by the Secretary of the Air Force. Can-
21 didates for Dean of Faculty shall be serving officers or
22 retired or former officers with terminal degrees. The Dean
23 may be either a military officer or a civilian.

24 “(b) While serving as Dean of the Faculty, an officer
25 incumbent who holds a grade lower than brigadier general

1 shall hold the grade of brigadier general, if appointed to
2 that grade by the President, by and with the advice and
3 consent of the Senate. The retirement age of an officer
4 so appointed is that of a permanent professor of the Acad-
5 emy. An officer so appointed is counted for purposes of
6 the limitation in section 526(a) of this title on general offi-
7 cers of the Air Force on active duty. A civilian incumbent
8 will be designated as a member of the Senior Executive
9 Service.”.

10 (b) UNITED STATES MILITARY ACADEMY.—Section
11 4335 of such title is amended to read as follows:—

12 **“§ 4335. Dean of Academic Board**

13 “(a) There shall be a Dean of the Academic Board
14 at the Academy responsible to the Superintendent for de-
15 veloping and sustaining the curriculum and overseeing the
16 faculty. Notwithstanding any other provision in law, the
17 qualifications, selection procedures, training, retention,
18 and determinations of appropriate pay grade of the Dean
19 of the Academic Board shall be prescribed by the Sec-
20 retary of the Army. Candidates for Dean of Faculty shall
21 be serving officers or retired or former officers with ter-
22 minal degrees. The Dean may be either a military officer
23 or a civilian.

24 “(b) While serving as Dean of the Academic Board,
25 an officer incumbent who holds a grade lower than briga-

1 dier general shall hold the grade of brigadier general, if
2 appointed to that grade by the President, by and with the
3 advice and consent of the Senate. The retirement age of
4 an officer so appointed is that of a permanent professor
5 of the Academy. An officer so appointed is counted for
6 purposes of the limitation in section 526(a) of this title
7 on general officers of the Army on active duty. A civilian
8 incumbent will be designated as a member of the Senior
9 Executive Service.”.

10 **SEC. 534. REPEAL OF REQUIREMENT THAT MILITARY**
11 **ACADEMY SUPERINTENDENTS RETIRE AFTER**
12 **ASSIGNMENT.**

13 (a) REPEAL.—Sections 3921, 4333a, 6371, 6951a,
14 8921 and 9333a of title 10, United States Code, are re-
15 pealed.

16 (b) CLERICAL AMENDMENTS.—

17 (1) The table of sections at the beginning of
18 chapter 367 of such title is amended by striking the
19 item relating to section 3921.

20 (2) The table of sections at the beginning of
21 chapter 403 of such title is amended by striking the
22 item relating to section 4333a.

23 (3) The table of sections at the beginning of
24 chapter 573 of such title is amended by striking the
25 item relating to section 6371.

1 (4) The table of sections at the beginning of
2 chapter 603 of such title is amended by striking the
3 item relating to section 6951a.

4 (5) The table of sections at the beginning of
5 chapter 867 of such title is amended by striking the
6 item relating to section 8921.

7 (6) The table of sections at the beginning of
8 chapter 903 of such title is amended by striking the
9 item relating to section 9333a.

10 **Subtitle D—Other Military**
11 **Education and Training Matters**

12 **SEC. 541. EDUCATION LOAN REPAYMENTS FOR HEALTH**
13 **PROFESSIONS OFFICERS OF THE RESERVE**
14 **COMPONENTS.**

15 Section 16302(a)(5) of title 10, United States Code,
16 is amended by inserting “a basic professional qualifying
17 degree (as determined under regulations issued by the
18 Secretary of Defense) or graduate education in” after “re-
19 garding”.

20 **SEC. 542. CONFERRAL OF DEGREES TO GRADUATES OF THE**
21 **COMMUNITY COLLEGE OF THE AIR FORCE.**

22 (a) **AUTHORITY TO CONFER DEGREES.**—Section
23 9315(c) of title 10, United States Code, is amended—

1 (1) in paragraph (1), by striking “Air Edu-
2 cation and Training Command of the Air Force”
3 and inserting “Air University”; and

4 (2) in paragraph (2), by striking “Air Edu-
5 cation and Training Command of the Air Force”
6 and inserting “Air University”.

7 (b) Section 9317 of such title is amended—

8 (1) in the section heading, by striking “**grad-**
9 **uate-level degrees**” and inserting “**graduate**
10 **and associate-level degrees**”;

11 (2) by striking “and” at the end of paragraph
12 (2);

13 (3) by striking the period at the end of para-
14 graph (3) and inserting “; and”; and

15 (4) by adding at the end the following new
16 paragraph:

17 “(4) an associate level degree upon graduates of
18 the Community College of the Air Force.”.

19 (c) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 901 of such title is amended
21 by striking the item relating to section 9317 and inserting
22 the following:

“9317. Air University: graduate and associate-level degrees”.

1 **SEC. 543. THREE YEAR EDUCATIONAL LEAVE OF ABSENCE.**

2 Section 708(a) of title 10, United States Code, is
3 amended by striking “two years” and inserting “three
4 years”.

5 **SEC. 544. LENGTH OF PHASE II JOINT PROFESSIONAL MILI-**
6 **TARY EDUCATION.**

7 Section 663 of title 10, United States Code, is
8 amended by striking subsection (e).

9 **SEC. 545. CHANGING THE TITLES OF THE HEADS OF THE**
10 **NAVAL POSTGRADUATE SCHOOL.**

11 (a) PRESIDENT OF THE NAVAL POSTGRADUATE
12 SCHOOL.—(1) Section 7042 of title 10, United States
13 Code, is amended—

14 (A) by striking “**Superintendent**” in the
15 section heading and inserting “**President**”; and

16 (B) by striking “Superintendent” each place it
17 appears and inserting “President”;

18 (2) Section 7044 of such title is amended by striking
19 “Superintendent” and inserting “President”;

20 (3) Subsection 7048(a) of such title is amended by
21 striking “Superintendent” and inserting “President”; and

22 (4) Subsection 7049(e) of such title is amended by
23 striking “Superintendent” and inserting “President”.

24 (b) PROVOST AND ACADEMIC DEAN.—(1) Section
25 7043 of title 10, United States Code, is amended—

1 (A) by amending the section heading to read as
2 follows:

3 **“§ 7043. Provost and Academic Dean”;**

4 (B) by amending subsection (a) to read as fol-
5 lows:

6 “(a) There is at the Naval Postgraduate School the
7 single civilian position of Provost and Academic Dean. The
8 Provost and Academic Dean shall be appointed, to serve
9 for periods of not more than five years, by the Secretary
10 of the Navy after consultation with the Naval Post-
11 graduate School Board of Advisors and consideration of
12 the recommendation of the leadership and faculty of the
13 Naval Postgraduate School.”; and

14 (C) in subsection (b), by striking “Academic
15 Dean” and inserting “Provost and Academic Dean”.

16 (2) Section 5102(c)(10) of title 5, United States
17 Code, is amended by striking “Academic Dean” and in-
18 serting “Provost and Academic Dean”.

19 (3) Section 7081(a) of title 10, United States Code,
20 is amended by striking “Academic Dean” and inserting
21 “Provost and Academic Dean”.

22 (c) CLERICAL AMENDMENTS.—The table of sections
23 at the beginning of chapter 605 of such title is amended
24 by striking the items related to sections 7042 and 7043
25 and inserting the following new items:

“7042. President: assistants.

“7043. Provost and Academic Dean.”.

1 **SEC. 546. NEW MISSION STATEMENT AND EXPANDED ELIGI-**
2 **BILITY FOR ENLISTED PERSONNEL AT THE**
3 **NAVAL POSTGRADUATE SCHOOL.**

4 (a) COMBAT RELATED FOCUS OF THE NAVAL POST-
5 GRADUATE SCHOOL.—(1) Section 7041 of title 10, United
6 States Code, is amended to read as follows:

7 **“§ 7041. Function**

8 “There is a United States Naval Postgraduate School
9 that provides advanced instruction, and technical and pro-
10 fessional education to military members to enhance com-
11 bat effectiveness and our national security.”.

12 (2) Section 7042(b)(1) of such title is amended by
13 striking “advanced instruction and technical education”
14 and inserting “advanced instruction, and technical and
15 professional education”.

16 (b) EXPANDED ELIGIBILITY FOR ENLISTED PER-
17 SONNEL.—Section 7045 of such title is amended—

18 (1) by striking “**Officers of the armed**
19 **forces; enlisted members**” in the section head-
20 ing and inserting “**Members of the other**
21 **armed forces**”;

22 (2) by striking “officers” each place it appears
23 and inserting “members”; and

24 (3) in subsection (a)—

1 (A) by striking “(1)”; and

2 (B) by striking paragraph (2).

3 (c) REIMBURSEMENT OF COSTS.—Subsection (b) of
4 such section is amended—

5 (1) by striking paragraph (2); and

6 (2) by redesignating paragraph (3) as para-
7 graph (2).

8 (d) RECIPROCAL AGREEMENTS.—Section 7047 of
9 such title is amended by striking “an officer” and insert-
10 ing “a member”.

11 (e) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 605 of such title is amended
13 by striking the item relating to section 7045 and inserting
14 the following:

“7045. Members of other armed forces: admission.”

15 **Subtitle E—Administrative Matters**

16 **SEC. 551. ANNUAL REPORT TO CONGRESS CONCERNING** 17 **JOINT OFFICER MANAGEMENT.**

18 Section 667 of title 10, United States Code, is
19 amended to read as follows:

20 **“§ 667. Annual report to Congress**

21 “The Secretary of Defense shall include in the annual
22 report of the Secretary to Congress under section 113(c)
23 of this title, for the period covered by the report, the fol-
24 lowing information (which shall be shown for the Depart-

1 ment of Defense as a whole and separately for the Army,
2 Navy, Air Force, and Marine Corps):

3 “(1) The number of joint specialty officers, re-
4 ported by grade and by branch or specialty.

5 “(2) An assessment of the extent to which the
6 Secretary of each military department is assigning
7 personnel to joint duty assignments in accordance
8 with this chapter and the policies, procedures, and
9 practices established by the Secretary of Defense
10 under section 661(a) of this title.

11 “(3) The number of waivers granted under sec-
12 tion 619a(b)(1) of this title for officers in the grade
13 of colonel or, in the case of the Navy, captain, for
14 each of the years preceding the year in which the re-
15 port is submitted.

16 “(4) The officers whose service in joint duty as-
17 signments during the year covered by the report ter-
18 minated before the officers completed the full tour of
19 duty in those assignments, expressed as a percent of
20 the total number of officers in joint duty assign-
21 ments during that year.

22 “(5) The percentage of fill of student quotas for
23 each course of the National Defense University for
24 the year covered by the report.

1 “(6) A list of the joint task force headquarters
2 in which service was approved for crediting as a
3 joint duty assignment for the year covered by the re-
4 port.

5 “(7) A comparison of the promotion rates for
6 officers serving in or who have served in joint duty
7 assignments and were considered for promotion
8 within the promotion zone, with the promotion rates
9 for other officers in the same grade and the same
10 competitive category who are serving in the armed
11 force concerned and were considered for promotion
12 within the promotion zone.

13 “(8) If any of the comparisons in paragraph (7)
14 indicate that the promotion rates for officers fail to
15 meet the objective set forth in section 662(a) of this
16 title, information on the failure and on what action
17 the Secretary has taken or plans to take to prevent
18 further failures.

19 “(9) Any other information relating to joint of-
20 ficer management that the Secretary of Defense con-
21 siders significant.”.

22 **SEC. 552. REVISED DEFINITIONS APPLICABLE TO JOINT**
23 **DUTY.**

24 Section 668 of title 10, United States Code, is
25 amended—

1 (1) in subsection (b)(2), by striking “The Sec-
2 retary shall publish a list showing” and inserting
3 “‘The Secretary shall publish a Joint Duty Assign-
4 ment List that will show”’; and

5 (2) in subsection (c), by striking “a tour of
6 duty in which an officer serves in more than one
7 joint duty assignment within the same organization
8 without a break between such assignments shall be
9 considered to be a single tour of duty in a joint duty
10 assignment” and inserting “a single tour of duty for
11 the purpose of awarding joint duty credit can be de-
12 fined as one in which the officer serves consecutive
13 tours in joint duty assignment positions that award
14 joint duty credit, or service as otherwise prescribed
15 by the Secretary of Defense”.

16 **Subtitle F—Military Justice**
17 **Matters**

18 **SEC. 561. WAIVE TIME LOST WHEN A MEMBER IS ACQUIT-**
19 **TED, RELEASED WITHOUT TRIAL, OR HAS HIS**
20 **CONVICTION SET-ASIDE OR REVERSED ON**
21 **APPEAL.**

22 Section 972 of title 10, United States Code, is
23 amended—

1 (1) in subsection (a)(3), by inserting “, unless
2 the confinement is excused as unavoidable” after
3 “the trial”; and

4 (2) in subsection (b)(3), by inserting “, unless
5 the confinement is excused as unavoidable” after
6 “the trial”.

7 **SEC. 562. CHANGE IN UNIFORM CODE OF MILITARY JUS-**
8 **TICE RELATING TO BLOOD ALCOHOL CON-**
9 **CENTRATION.**

10 Subsection (b) of section 911 of title 10, United
11 States Code, is amended by striking “0.10” in the two
12 places it appears and inserting “0.08”.

13 **Subtitle G—Benefits**

14 **SEC. 571. IMMEDIATE LUMP SUM REIMBURSEMENT FOR**
15 **UNUSUAL NONRECURRING EXPENSES OUT-**
16 **SIDE THE CONTINENTAL UNITED STATES.**

17 Section 405 of title 37, United States Code, is
18 amended by adding at the end the following new sub-
19 section:

20 “(d) **NONRECURRING EXPENSES.**—In addition to the
21 per diem paid under subsection (a), the Secretaries con-
22 cerned may reimburse members for actual nonrecurring
23 expenses incurred incident to being on duty outside of the
24 United States or in Hawaii or Alaska. The nonrecurring
25 expenses which may be reimbursed are expenses directly

1 related to the conditions or location of the assignment ei-
2 ther of a nature or a magnitude not normally incurred
3 by members assigned inside the continental United States
4 and not included in the per diem paid under subsection
5 (b).”.

6 **SEC. 572. REPEAL OF REQUIREMENT TO PAY SUBSISTENCE**
7 **CHARGES WHILE HOSPITALIZED.**

8 Section 1075 of title 10, United States Code, is re-
9 pealed.

10 **Subtitle H—Other Matters**

11 **SEC. 581. ALTERNATE INITIAL MILITARY SERVICE OBLIGA-**
12 **TION FOR PERSONS WITH SPECIALIZED**
13 **SKILLS.**

14 Subsection (a) of section 651 of title 10, United
15 States Code, is amended to read as follows:

16 “(a)(1) Each person who becomes a member of an
17 armed force, other than a person described in paragraph
18 (2), shall serve in the armed forces for a total initial period
19 of not less than six years nor more than eight years, as
20 provided in regulations prescribed by the Secretary of De-
21 fense for the armed forces under his jurisdiction and by
22 the Secretary of Homeland Security for the Coast Guard
23 when it is not operating as a service in the Navy, unless
24 such person is sooner discharged under such regulations
25 because of personal hardship. Any part of such service

1 that is not active duty or that is active duty for training
2 shall be performed in a reserve component.

3 “(2) A person is not subject to paragraph (1) if that
4 person—

5 “(A) is deferred under the next to the last sen-
6 tence of section 6(d)(1) of the Military Selective
7 Service Act (50 U.S.C. App. 456(d)(1)); or

8 “(B) is accessed into the armed forces based on
9 unique skills acquired in a civilian occupation, as de-
10 termined by the Secretary concerned, and will serve
11 in a specialty requiring those skills.”.

12 **SEC. 582. BASIC TRAINING REQUIREMENT FOR CERTAIN**
13 **MEMBERS WITH SPECIALIZED SKILLS.**

14 Paragraph (1) of section 671(c) of title 10, United
15 States Code, is amended to read as follows:

16 “(1) Under regulations prescribed under paragraph
17 (2), a period of basic training (or equivalent training)
18 shorter than 12 weeks may be established by the Secretary
19 concerned for members of the armed forces who—

20 “(A) have been credentialed in a medical pro-
21 fession or occupation and are serving in a health-
22 care occupational specialty; or

23 “(B) have unique skills acquired in a civilian
24 occupation, as determined by the Secretary con-

1 cerned, and will serve in a military specialty or posi-
2 tion requiring those skills.

3 Any such period shall be established under regulations
4 prescribed under paragraph (2) and may be established
5 notwithstanding section 4(a) of the Military Selective
6 Service Act (50 U.S.C. App. 454(a)).”.

7 **SEC. 583. ELIMINATE MANDATORY TERMS OF OFFICE FOR**
8 **CERTAIN GENERAL AND FLAG STAFF OFFI-**
9 **CERS.**

10 (a) ARMY.—

11 (1) CHIEFS OF BRANCHES.—Section 3036 of
12 title 10, United States Code, is amended—

13 (A) by repealing subsection (c); and

14 (B) by redesignating subsections (d) and
15 (e) as subsections (c) and (d), respectively.

16 (2) JUDGE ADVOCATE GENERAL AND ASSIST-
17 ANT JUDGE ADVOCATE GENERAL.—Section 3037(a)
18 of such title is amended by striking “An officer ap-
19 pointed as the Judge Advocate General or Assistant
20 Judge Advocate General normally holds office for
21 four years. However, the President may terminate or
22 extend the appointment at any time.”.

23 (3) DEPUTY AND ASSISTANT CHIEFS OF
24 BRANCHES.—Section 3039(a) of such title is amend-

1 ed by striking “for a tour of duty of not more than
2 four years,”.

3 (4) CHIEF OF ARMY NURSE CORPS.—Section
4 3069(b) of such title is amended by striking “, but
5 not for more than four years, and may not be re-
6 appointed to the same position”.

7 (5) CHIEF OF THE ARMY MEDICAL SPECIALIST
8 CORPS.—Section 3070(b) of such title is amended by
9 striking “, but not for more than four years, and
10 may not be reappointed”.

11 (b) NAVY/MARINE CORPS.—

12 (1) CHIEF OF THE BUREAU OF MEDICINE AND
13 SURGERY.—Section 5137(a) of such title is amended
14 by striking “for a term of four years,”.

15 (2) CHIEF OF THE BUREAU OF NAVAL PER-
16 SONNEL.—Section 5141(a) of such title is amended
17 by striking “for a term of four years,”.

18 (3) CHIEF OF CHAPLAINS.—Subsection (c) of
19 section 5142 of such title is repealed.

20 (4) JUDGE ADVOCATE GENERAL.—Section
21 5148(b) of such title is amended by striking “, for
22 a term of four years”.

23 (5) DIRECTOR OF THE NURSE CORPS OR DIREC-
24 TOR OF THE MEDICAL SERVICE CORPS.—Section

1 5150(e) of such title is amended by striking “for a
2 term of four years,”.

3 (c) AIR FORCE JUDGE ADVOCATE GENERAL AND
4 DEPUTY JUDGE ADVOCATE GENERAL.—Section 8037(a)
5 of such title is amended—

6 (1) in subsection (a), by striking “The term of
7 office is four years, but may be sooner terminated
8 or extended by the President.”; and

9 (2) in subsection (d)(1), by striking “The term
10 of office of the Deputy Judge Advocate General is
11 four years, but may be sooner terminated or ex-
12 tended by the President.”.

13 **SEC. 584. PROHIBIT COURT ORDERED PAYMENTS BEFORE**
14 **RETIREMENT BASED ON IMPUTATION OF RE-**
15 **TIRED PAY.**

16 (a) IN GENERAL.—Section 1408(c)(3) of title 10,
17 United States Code, is amended—

18 (1) by inserting “(A)” after “(3)”; and

19 (2) by adding at the end the following new sub-
20 paragraph:

21 “(B) Notwithstanding any other provision of law, a
22 court may not order a member to make payments based
23 upon an imputation of a property interest in future retired
24 pay of any kind to a spouse or former spouse before the
25 date of the member’s actual retirement.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply to final court orders or court
3 orders seeking enforcement of prior final decrees issued
4 on or after the enactment of this Act.

5 **TITLE VI—COMPENSATION AND**
6 **OTHER PERSONNEL BENEFITS**
7 **Subtitle A—Pay and Allowances**

8 **SEC. 601. TERMINATION OF ASSIGNMENT INCENTIVE PAY**
9 **FOR MEMBERS ON TERMINAL LEAVE.**

10 Paragraph (e) of section 307a of title 37, United
11 States Code, is amended by inserting before the period at
12 the end the following: “, other than terminal leave when
13 the member will not be returning to the assignment”.

14 **SEC. 602. MORE FLEXIBLE RETIREMENT RULES FOR MILI-**
15 **TARY OFFICERS.**

16 (a) IN GENERAL.—Section 1370 of title 10, United
17 States Code, is amended to read as follows:

18 **“§ 1370. Commissioned officers: general rule; excep-**
19 **tions**

20 **“(a) RULE FOR RETIREMENT IN HIGHEST GRADE**
21 **HELD SATISFACTORILY.—(1) Unless entitled to a higher**
22 **retired grade under some other provision of law, a commis-**
23 **sioned officer (other than a commissioned warrant officer)**
24 **of the Army, Navy, Air Force, or Marine Corps who re-**
25 **tires under any provision of law other than chapter 61**

1 or chapter 1223 of this title shall, subject to the criteria
2 specified under paragraph (2) or (3), be retired in the
3 highest grade in which he served on active duty satisfac-
4 torily, as determined by the Secretary concerned.

5 “(2) In order to be eligible for voluntary retirement
6 in a grade at or below the grade of major or lieutenant
7 commander, a commissioned officer of the Army, Navy,
8 Air Force, or Marine Corps covered by paragraph (1)
9 must have served on active duty in that grade for not less
10 than six months.

11 “(3)(A) In order to be eligible for voluntary retire-
12 ment in a grade above major or lieutenant commander and
13 below brigadier general or rear admiral (lower half), a
14 commissioned officer of the Army, Navy, Air Force, or
15 Marine Corps covered by paragraph (1) must have served
16 on active duty in that grade for not less than three years,
17 except that the Secretary of Defense may authorize the
18 Secretary concerned to reduce such period to a period not
19 less than two years.

20 “(B) An officer at or above the grade of brigadier
21 general or rear admiral (lower half) may be retired in the
22 highest grade in which he served on active duty satisfac-
23 torily, upon approval by the Secretary concerned and con-
24 currence by the Secretary of Defense or another civilian
25 official in the Office of the Secretary of Defense appointed

1 by the President, by and with the advice and consent of
2 the Senate, to which the Secretary of Defense has dele-
3 gated such authority.

4 “(C) The President may waive subparagraph (A) in
5 individual cases involving extreme hardship or exceptional
6 or unusual circumstances. The authority of the President
7 under the preceding sentence may not be delegated.

8 “(4) A reserve or temporary officer who is notified
9 that he will be released from active duty without his con-
10 sent, and thereafter requests retirement under section
11 3911, 6323, or 8911 of this title and is retired pursuant
12 to that request, is considered for purposes of this section
13 to have been retired involuntarily. An officer retired pur-
14 suant to section 1186(b)(1) of this title is considered for
15 purposes of this section to have been retired voluntarily.

16 “(b) RETIREMENT IN NEXT LOWER GRADE.—An of-
17 ficer whose length of service in the highest grade he held
18 while on active duty does not meet the service in grade
19 requirements specified in subsection (a) or whose service
20 on active duty in that grade was not determined to be sat-
21 isfactory by the Secretary concerned shall be retired in the
22 next lower grade in which he served on active duty satis-
23 factorily, as determined by the Secretary concerned, for
24 not less than six months.

1 “(c) RESERVE OFFICERS.—(1) Unless entitled to a
2 higher grade, or to credit for satisfactory service in a high-
3 er grade, under some other provision of law, a person who
4 is entitled to retired pay under chapter 1223 of this title
5 shall, upon application under section 12731 of this title,
6 be credited with satisfactory service in the highest grade
7 in which that person served satisfactorily at any time in
8 the armed forces, as determined by the Secretary con-
9 cerned in accordance with this subsection.

10 “(2) In order to be credited with satisfactory service
11 in an officer grade (other than a warrant officer grade)
12 below the grade of lieutenant colonel or commander, a per-
13 son covered by paragraph (1) must have served satisfac-
14 torily in that grade (as determined by the Secretary con-
15 cerned) as a reserve commissioned officer in an active sta-
16 tus, or in a retired status on active duty, for not less than
17 six months.

18 “(3)(A)(i) In order to be credited with satisfactory
19 service in an officer grade above major or lieutenant com-
20 mander and below brigadier general or rear admiral (lower
21 half), a person covered by paragraph (1) must have served
22 satisfactorily in that grade (as determined by the Sec-
23 retary concerned) as a reserve commissioned officer in an
24 active status, or in a retired status on active duty, for not
25 less than three years, except that the Secretary of Defense

1 may authorize the Secretary concerned to reduce such pe-
2 riod to a period not less than two years.

3 “(ii) An officer at or above the grade of lieutenant
4 general or vice admiral may be retired in the highest grade
5 in which he served satisfactorily, upon approval by the
6 Secretary concerned and concurrence by the Secretary of
7 Defense or another civilian official in the Office of the Sec-
8 retary of Defense appointed by the President, by and with
9 the advice and consent of the Senate, to which the Sec-
10 retary of Defense has delegated such authority.

11 “(B) A person covered by subparagraph (A)(i) who
12 has completed at least six months of satisfactory service
13 in grade and is transferred from an active status or dis-
14 charged as a reserve commissioned officer solely due to
15 the requirements of a nondiscretionary provision of law
16 requiring that transfer or discharge due to the person’s
17 age or years of service may be credited with satisfactory
18 service in the grade in which serving at the time of such
19 transfer or discharge, notwithstanding the failure of the
20 person to complete three years of service in that grade.

21 “(C) To the extent authorized by the Secretary con-
22 cerned, a person who, after having been recommended for
23 promotion in a report of a promotion board but before
24 being promoted to the recommended grade, served in a
25 position for which that grade is the minimum authorized

1 grade may be credited for purposes of subparagraph (A)(i)
2 as having served in that grade for the period for which
3 the person served in that position while in the next lower
4 grade. The period credited may not include any period be-
5 fore the date on which the Senate provides advice and con-
6 sent for the appointment of that person in the rec-
7 ommended grade.

8 “(D) To the extent authorized by the Secretary con-
9 cerned, a person who, after having been found qualified
10 for Federal recognition in a higher grade by a board under
11 section 307 of title 32, serves in a position for which that
12 grade is the minimum authorized grade and is appointed
13 as a reserve officer in that grade may be credited for the
14 purposes of subparagraph (A)(i) as having served in that
15 grade. The period of the service for which credit is af-
16 forded under the preceding sentence may only be the pe-
17 riod for which the person served in the position after the
18 Senate provides advice and consent for the appointment.

19 “(4) A person whose length of service in the highest
20 grade held does not meet the service in grade requirements
21 specified in this subsection shall be credited with satisfac-
22 tory service in the next lower grade in which that person
23 served satisfactorily (as determined by the Secretary con-
24 cerned) for not less than six months.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to the computation
3 of retired or retainer pay of any individual who becomes
4 entitled to that pay on or after the date of enactment of
5 this Act.

6 **SEC. 603. MORE FLEXIBLE COMPUTATION OF RETIRED PAY**
7 **FOR OFFICERS AND SENIOR ENLISTED MEM-**
8 **BERS.**

9 (a) MODIFICATION OF RETIRED PAY FORMULAS.—
10 (1) Chapter 71 of title 10, United States Code, is amended
11 by inserting after section 1401a the following new section:
12 **“§ 1401b. Maximum multiplier in the computation of**
13 **retired pay**

14 “Notwithstanding any other provision of law that lim-
15 its retired pay computed under this chapter or under chap-
16 ter 1223 of this title to a maximum of 75 percent of the
17 member’s base determined under section 1406 or 1407 of
18 this title, the maximum amount of retired pay as a per-
19 centage of such base will be limited as follows:

20 “(1) For members retired before October 1,
21 2003, use limitations prescribed in other sections of
22 law.

23 “(2) For members retired on or after October
24 1, 2003, use the limitations prescribed in other sec-
25 tions of law except in the case of—

1 “(A) members retired in the grade O-7 and
2 above with more than 30 years of creditable
3 service in the computation of the multiplier per-
4 centage under section 1409 of this title, such
5 percentage is not limited to 75 percent for any
6 time served in excess of 30 years otherwise
7 creditable after October 1, 2003; and

8 “(B) members retired in the grades E-8
9 through O-6, inclusive, with more than 30
10 years of creditable service in the computation of
11 the multiplier percentage under section 1409 of
12 this title, such percentage is not limited to 75
13 percent for any time served under conditions
14 authorized such additional credit during a pe-
15 riod established by the Secretary of Defense.”.

16 (2) The table of sections at the beginning of such
17 chapter is amended by inserting after the item relating
18 to section 1401a the following new item:

 “1401b. Maximum multiplier in the computation of retired pay.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to the computation
21 of retired or retainer pay of any individual who becomes
22 entitled to that pay on or after the date of enactment of
23 this Act.

1 **SEC. 604. ELIMINATE RETIRED PAY LIMIT APPLICABLE TO**
2 **GENERAL AND FLAG OFFICERS.**

3 (a) RETIRED PAY BASE FOR MEMBERS WHO FIRST
4 BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—Sec-
5 tion 1406 of title 10, United States Code, is amended by
6 adding at the end the following new subsection:

7 “(j) RETIRED PAY BASE.—In the case of a member
8 at grade O–7 and above, the rates of basic pay used to
9 compute the pay base prescribed in this section shall be
10 the rates applicable to the grade or position without re-
11 gard to any provision of law limiting such pay to the rate
12 of pay for level III of the Executive Schedule.”.

13 (b) RETIRED PAY BASE FOR MEMBERS WHO FIRST
14 BECAME MEMBERS AFTER SEPTEMBER 7, 1980.—Sec-
15 tion 1407 of such title is amended by adding at the end
16 the following new subsection:

17 “(g) RETIRED PAY BASE.—In the case of a member
18 at grade O–7 and above, the rates of basic pay used to
19 compute the pay base prescribed in this section shall be
20 the rates applicable to the grade or position without re-
21 gard to any provision of law limiting such pay to the rate
22 of pay for level III of the Executive Schedule.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to the computation
25 of retired or retainer pay of any individual who becomes

1 entitled to that pay on or after the date of enactment of
2 this Act.

3 **SEC. 605. GRANT BASIC ALLOWANCE FOR HOUSING WAIV-**
4 **ERS FOR 12 MONTHS OR LESS ON PERMA-**
5 **NENT CHANGE OF STATION ASSIGNMENTS**
6 **THAT ARE PRINCIPALLY FOR EDUCATION OR**
7 **TRAINING.**

8 Paragraph (3) of section 403(d) of title 37, United
9 States Code, is amended by adding at the end the fol-
10 lowing new subparagraph:

11 “(C) Where a member receives a permanent
12 change of station or permanent change of assign-
13 ment, within the continental United States, of 12
14 months duration or less for purposes of participating
15 in professional military education or training classes,
16 the amount of the basic allowance for housing for
17 the member may be based on the area in which the
18 dependents reside or the member’s last duty station,
19 whichever the Secretary concerned determines to be
20 most equitable. The dependents must continue to
21 live at the member’s last duty station in order to
22 qualify for the rate based on that area.”

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
4 **SPECIAL PAYS FOR RESERVE FORCES.**

5 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
6 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
7 302g(f) of title 37, United States Code, is amended by
8 striking “December 31, 2004” and inserting “December
9 31, 2005”.

10 (b) SELECTED RESERVE REENLISTMENT BONUS.—
11 Section 308b(f) of such title is amended by striking “De-
12 cember 31, 2004” and inserting “December 31, 2005”.

13 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
14 tion 308c(e) of such title is amended by striking “Decem-
15 ber 31, 2004” and inserting “December 31, 2005”.

16 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
17 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
18 308d(c) of such title is amended by striking “December
19 31, 2004” and inserting “December 31, 2005”.

20 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
21 tion 308e(e) of such title is amended by striking “Decem-
22 ber 31, 2004” and inserting “December 31, 2005”.

23 (f) READY RESERVE ENLISTMENT AND REENLIST-
24 MENT BONUS.—Section of 308h(g) of such title is amend-

1 ed by striking “December 31, 2004” and inserting “De-
2 cember 31, 2005”.

3 (g) PRIOR SERVICE REENLISTMENT BONUS.—Sec-
4 tion 308i(f) of such title is amended by striking “Decem-
5 ber 31, 2004” and inserting “December 31, 2005”.

6 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
7 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
8 LECTED RESERVE.—Section 16302(d) of title 10, United
9 States Code, is amended by striking “January 1, 2005”
10 and inserting “January 1, 2006”.

11 **SEC. 612. BONUS FOR OFFICERS TO SERVE IN THE SE-**
12 **LECTED RESERVE IN A CRITICAL SKILL OR**
13 **MANPOWER SHORTAGE.**

14 (a) IN GENERAL.—Chapter 5 of title 37, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 308j. Special pay: bonus for officers to serve in the**
18 **Selected Reserve in a critical skill or**
19 **manpower shortage**

20 “(a) BONUS AUTHORIZATION.—The Secretary of De-
21 fense may pay—

22 “(1) an affiliation bonus to an officer of an
23 armed force, including a warrant officer, (other than
24 an officer who has previously served in the Selected
25 Reserve or an officer who is entitled to retired pay)

1 who executes a written agreement to serve in the Se-
2 lected Reserve of the Ready Reserve for a period of
3 not less than three years in a designated critical offi-
4 cer skill or manpower shortage after being dis-
5 charged or released from active duty under honor-
6 able conditions, once the officer affiliates with a unit
7 or position in the Selected Reserve; and

8 “(2) an accession bonus to a person who exe-
9 cutes a written agreement to accept a commission as
10 an officer of the armed forces and serve in the Se-
11 lected Reserve of the Ready Reserve in a designated
12 critical officer skill for a period of not less than
13 three years, upon acceptance of the agreement by
14 the Secretary concerned.

15 “(b) DESIGNATION OF CRITICAL OFFICER SHORT-
16 AGE.—The Secretary concerned shall designate the critical
17 officer skill shortages and critical manpower shortages for
18 the purposes of this section.

19 “(1) A skill may be designated as a critical offi-
20 cer skill for an armed force under this subsection
21 if—

22 “(A) to meet requirements of the armed
23 force, it is critical for the armed force to have
24 a sufficient number of officers who are qualified
25 in that skill; or

1 “(B) to mitigate a current or projected sig-
2 nificant shortage of personnel in the armed
3 force who are qualified in that skill, it is critical
4 to access into that armed force in sufficient
5 numbers persons who are qualified in that skill
6 or are to be trained in that skill.

7 “(2) A manpower shortage may be designated
8 for a current or projected shortage in a unit or over-
9 all shortage in a pay grade.

10 “(c) LIMITATION ON AMOUNT OF BONUS.—The
11 amount of a bonus under subsection (a) may not exceed
12 \$12,000.

13 “(d) PAYMENT METHOD.—Upon acceptance of a
14 written agreement by the Secretary concerned, the total
15 amount of the bonus payable under the agreement be-
16 comes fixed. The agreement shall specify whether the
17 bonus shall be paid by the Secretary in a lump sum or
18 installments.

19 “(e) RELATION TO OTHER ACCESSION BONUS AU-
20 THORITY.—An officer or individual may not receive a
21 bonus under this section and financial assistance under
22 chapter 1608, 1609 or 1611 of title 10, or under section
23 302g of this title, for the same period of service.

24 “(f) REPAYMENT FOR FAILURE TO COMMENCE OR
25 COMPLETE OBLIGATED SERVICE.—(1) An individual who,

1 after receiving all or part of the bonus under an agreement
2 referred to in subsection (a), does not accept a commission
3 as an officer or does not commence to or does not satisfac-
4 torily participate in the Selected Reserve for the total pe-
5 riod of service specified in the agreement shall repay to
6 the United States such compensation or benefit, except
7 under conditions established by the Secretary concerned.

8 “(2) The Secretary concerned shall set forth whether
9 repayment is required in whole or in part, the method for
10 computing the amount of the repayment, and the condi-
11 tions under which an exception to the required repayment
12 would apply.

13 “(3) An obligation to repay the United States im-
14 posed under paragraph (1) is for all purposes a debt owed
15 to the United States. A discharge in bankruptcy under
16 title 11 that is entered less than five years after the termi-
17 nation of an agreement entered into under subsection (a)
18 does not discharge the individual signing the agreement
19 from a debt arising under such agreement or under para-
20 graph (1).”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by adding
23 at the end the following new item:

“308j. Special pay: bonus for officers to serve in the Selected Reserve in critical
skill or manpower shortage.”.

1 **SEC. 613. CRITICAL SKILLS RETENTION BONUS; ELIGI-**
2 **BILITY OF MEMBERS SERVING ON INDEFI-**
3 **NITE REENLISTMENT IS INVOLVED.**

4 Section 323(a) of title 37, United States Code, is
5 amended—

6 (1) in paragraph (1), by striking “or” at the
7 end;

8 (2) by striking the period at the end of para-
9 graph (2) and inserting “; or”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(3) in the case of an enlisted member serving
13 on an indefinite reenlistment, the member executes
14 a written agreement to remain on active duty for at
15 least 1 year.”.

16 **SEC. 614. FOREIGN LANGUAGE PROFICIENCY PAY.**

17 Section 1596a of title 10, United States Code, is
18 amended—

19 (1) in subsection (a)(2), by striking “during a
20 contingency operation supported by the armed
21 forces”; and

22 (2) in subsection (c), by inserting before the pe-
23 riod at the end the following: “and shall not be con-
24 sidered base pay for any purpose”.

1 **SEC. 615. REPAYMENT OF UNEARNED PORTIONS OF BO-**
2 **NUSES, SPECIAL PAYS, -AND EDUCATIONAL**
3 **BENEFITS.**

4 (a) REPAYMENT OF UNEARNED PORTIONS OF BO-
5 NUSES.—(1) Chapter 5 of title 37, United States Code,
6 is amended by adding at the end the following new section:

7 **“§ 327. Repayment of unearned portions of bonuses,**
8 **incentives, special pay or similar pay-**
9 **ments, or educational benefits or sti-**
10 **pends, when conditions of payment not**
11 **met**

12 “(a) IN GENERAL.—A member of the uniformed
13 services who has received a bonus, incentive, special pay
14 or similar payment, or an educational benefit or stipend,
15 and who is, by law, subject to the repayment provisions
16 of this section shall repay to the United States such com-
17 pensation or benefit when the member does not meet the
18 conditions of the pay or benefit, except under conditions
19 established by the Secretary concerned.

20 “(b) REGULATIONS.—The Secretary concerned may
21 set forth in regulations procedures for determining the
22 amount of any repayment, and the conditions under which
23 an exception to the required repayment would apply. The
24 Secretary concerned may specify in such regulations the
25 conditions under which any future installment payment of
26 a bonus, incentive, special pay, or similar payment or ben-

1 efit will not be made when the member does not meet the
 2 conditions of pay or benefit. For the military departments,
 3 this section shall be administered under regulations pre-
 4 scribed by the Secretary of Defense.

5 “(c) DEBT.—An obligation to repay the United
 6 States under subsection (a) is, for all purposes, a debt
 7 owed the United States.

8 “(d) EFFECT OF BANKRUPTCY.—A discharge in
 9 bankruptcy under title 11 does not discharge a person
 10 from a debt under this section if the final decree of dis-
 11 charge is entered less than five years after the date of
 12 the termination of the service or the date of the termi-
 13 nation of the agreement on which the debt is based. This
 14 subsection applies to any case commenced under title 11
 15 after March 30, 2005.”.

16 (2) CLERICAL AMENDMENT.—The table of sections at
 17 the beginning of such chapter is amended by adding at
 18 the end the following new item:

“327. Repayment of unearned portions of bonuses, incentives, special pay or
 similar payments, or educational benefits or stipends, when
 conditions of payment not met.”.

19 (b) AVIATION CAREER OFFICER RETENTION
 20 BONUS.—Subsection (g) of section 301b of such title is
 21 amended to read as follows:

22 “(g) REPAYMENT OF BONUS.—An officer who does
 23 not complete the period of active duty specified in the
 24 agreement entered into under subsection (a) shall be sub-

1 ject to the repayment provisions of section 327 of this
2 title.”.

3 (c) MEDICAL OFFICER MULTIYEAR RETENTION
4 BONUS.—Subsection (c) of section 301d of such title is
5 amended to read as follows:

6 “(c) REPAYMENT OF BONUS.—An officer who does
7 not complete the period of active duty specified in the
8 agreement entered into under subsection (a) shall be sub-
9 ject to the repayment provisions of section 327 of this
10 title.”.

11 (d) DENTAL OFFICER MULTIYEAR RETENTION
12 BONUS.—Subsection (d) of section 301e of such title is
13 amended to read as follows:

14 “(d) REPAYMENT OF BONUS.—An officer who does
15 not complete the period of active duty specified in the
16 agreement entered into under subsection (a) shall be sub-
17 ject to the repayment provisions of section 327 of this
18 title.”.

19 (e) MEDICAL OFFICER SPECIAL PAY.—Section 302
20 of such title is amended—

21 (1) in subsection (c), by amending the last sen-
22 tence in paragraph (2) to read as follows: “If such
23 entitlement is terminated, the officer concerned shall
24 be subject to the repayment provisions of section
25 327 of this title.”; and

1 (2) by amending subsection (f) to read as fol-
2 lows:

3 “(f) REPAYMENT.—An officer who does not complete
4 the period for which the payment was made under sub-
5 section (a)(4) or (b)(1) shall be subject to the repayment
6 provisions of section 327 of this title.”.

7 (f) OPTOMETRIST RETENTION SPECIAL PAY.—Para-
8 graph (4) of section 302a(b) of such title is amended to
9 read as follows:

10 “(4) REPAYMENT.—The Secretary concerned may
11 terminate at any time the eligibility of an officer to receive
12 retention special pay under paragraph (1). An officer who
13 does not complete the period for which the payment was
14 made under paragraph (1) shall be subject to the repay-
15 ment provisions of section 327 of this title.”.

16 (g) DENTAL OFFICER SPECIAL PAY.—Section 302b
17 of such title is amended—

18 (1) in subsection (b), by striking the second
19 sentence in paragraph (2);

20 (2) by amending subsection (e) to read as fol-
21 lows:

22 “(e) REPAYMENT.—An officer who does not complete
23 the period of active duty for which the payment was made
24 under subsection (a)(4) shall be subject to the repayment
25 provisions of section 327 of this title.”;

1 (3) by striking subsection (f); and

2 (4) by redesignating subsections (g) and (h) as
3 subsections (f) and (g), respectively.

4 (h) **ACCESSION BONUS FOR REGISTERED NURSES.**—
5 Subsection (d) of section 302d of such title is amended
6 to read as follows:

7 “(d) An officer who does not become and remain li-
8 censed as a registered nurse during the period for which
9 the payment is made, or who does not complete the period
10 of active duty specified in the agreement entered into
11 under subsection (a) shall be subject to the repayment
12 provisions of section 327 of this title.”.

13 (i) **NURSE ANESTHETIST SPECIAL PAY.**—Section
14 302e of such title is amended—

15 (1) in subsection (c), by striking the last sen-
16 tence; and

17 (2) by amending subsection (e) to read as fol-
18 lows:

19 “(e) An officer who does not complete the period of
20 active duty specified in the agreement entered into under
21 subsection (a) shall be subject to the repayment provisions
22 of section 327 of this title.”.

23 (j) **RESERVE, RECALLED OR RETAINED HEALTH**
24 **CARE OFFICERS SPECIAL PAY.**—Subsection (c) of section

1 302f of such title is amended by striking “refund” and
2 inserting “repay”.

3 (k) SELECTED RESERVE HEALTH CARE PROFES-
4 SIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES
5 SPECIAL PAY.—Section 302g of such title is amended—

6 (1) by striking subsections (d) and (e);

7 (2) by inserting after subsection (c) the fol-
8 lowing new subsection (d):

9 “(d) REPAYMENT.—An officer who does not complete
10 the period of service in the Selected Reserve of an armed
11 force specified in the agreement entered into under sub-
12 section (a) shall be subject to the repayment provisions
13 of section 327 of this title.”; and

14 (3) by redesignating subsection (f) as sub-
15 section (e).

16 (l) ACCESSION BONUS FOR DENTAL OFFICERS.—
17 Subsection (d) of section 302h of such title is amended
18 to read as follows:

19 “(d) A person after signing a written agreement who
20 thereafter is not commissioned as an officer of the armed
21 forces, or does not become licensed as a dentist, or does
22 not complete the period of active duty specified in the
23 agreement entered into under subsection (a) shall be sub-
24 ject to the repayment provisions of section 327 of this
25 title.”.

1 (m) ACCESSION BONUS FOR PHARMACY OFFI-
2 CERS.—Subsection (e) of section 302j of such title is
3 amended to read as follows:

4 “(e) A person after signing a written agreement who
5 thereafter is not commissioned as an officer of the armed
6 forces, or does not become and remain certified or licensed
7 as a pharmacist, or does not complete the period of active
8 duty specified in the agreement entered into under sub-
9 section (a) shall be subject to the repayment provisions
10 of section 327 of this title.”.

11 (n) REENLISTMENT BONUS FOR ACTIVE MEM-
12 BERS.—Subsection (d) of section 308 of such title is
13 amended to read as follows:

14 “(d) REPAYMENT OF BONUS.—A member who does
15 not complete the term of enlistment for which a bonus was
16 paid to the member under this section, or a member who
17 is not technically qualified in the skill for which a bonus
18 was paid to him under this section, shall be subject to
19 the repayment provisions of section 327 of this title.”.

20 (o) REENLISTMENT BONUS FOR SELECTED RE-
21 SERVE.—Subsection (d) of section 308b of such title is
22 amended to read as follows:

23 “(d) A member who does not complete the term of
24 enlistment in the element of the Selected Reserve of the
25 Ready Reserve for which the bonus was paid to the mem-

1 ber under this section, shall be subject to the repayment
2 provisions of section 327 of this title.”.

3 (p) ENLISTMENT BONUS FOR SELECTED RE-
4 SERVE.—Subsection (d) of section 308c of such title is
5 amended to read as follows:

6 “(d) REPAYMENT.—A member who does not partici-
7 pate satisfactorily in training with his unit during a term
8 of enlistment for which a bonus has been paid to him
9 under this section shall be subject to the repayment provi-
10 sions of section 327 of this title.”.

11 (q) RESERVE AFFILIATION BONUS.—Subsection (d)
12 of section 308e of such title is amended to read as follows:

13 “(d) REPAYMENT.—A member who does not partici-
14 pate satisfactorily in training with his unit during a term
15 of enlistment for which a bonus has been paid to him
16 under this section shall be subject to the repayment provi-
17 sions of section 327 of this title.”.

18 (r) READY RESERVE ENLISTMENT BONUS.—Section
19 308g of such title is amended—

20 (1) by amending subsection (d) to read as fol-
21 lows:

22 “(d) REPAYMENT.—A person who does not serve sat-
23 isfactorily in the element of the Ready Reserve in the com-
24 bat or combat support skill for the period for which the

1 bonus was paid under this section shall be subject to the
2 repayment provisions of section 327 of this title.”;

3 (2) by striking subsections (e) and (f); and

4 (3) by redesignating subsections (g) and (h) as
5 subsections (e) and (f), respectively.

6 (s) READY RESERVE REENLISTMENT, ENLISTMENT,
7 AND VOLUNTARY EXTENSION OF ENLISTMENT BONUS.—
8 Section 308h of such title is amended—

9 (1) by amending subsection (c) to read as fol-
10 lows:

11 “(c) REPAYMENT.—A person who does not complete
12 the period of enlistment or extension of enlistment for
13 which the bonus was paid under this section shall be sub-
14 ject to the repayment provisions of section 327 of this
15 title.”;

16 (2) by striking subsections (d) and (e); and

17 (3) by redesignating subsections (f) and (g) as
18 subsections (d) and (e), respectively.

19 (t) PRIOR SERVICE ENLISTMENT BONUS.—Sub-
20 section (d) of section 308i of such title is amended to read
21 as follows:

22 “(d) A person who receives a bonus payment under
23 this section and who, during the period for which the
24 bonus was paid, does not serve satisfactorily in the ele-
25 ment of the Selected Reserve of the Ready Reserve with

1 respect to which the bonus was paid shall be subject to
2 the repayment provisions of section 327 of this title.”.

3 (u) ENLISTMENT BONUS.—Subsection (b) of section
4 309 of such title is amended to read as follows:

5 “(b) A member who does not complete the term of
6 enlistment for which a bonus was paid to the member
7 under this section, or a member who is not technically
8 qualified in the skill for which a bonus was paid, shall
9 be subject to the repayment provisions of section 327 of
10 this title.”.

11 (v) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
12 CERS EXTENDING ACTIVE DUTY.—Subsection (b) of sec-
13 tion 312 of such title is amended to read as follows:

14 “(b) REPAYMENT.—An officer who does not complete
15 the period of active duty in connection with supervision,
16 operation, and maintenance of naval nuclear propulsion
17 plants which the officer agreed to serve, and for which
18 the payment was made under subsection (a)(3) or (d)(1),
19 shall be subject to the repayment provisions of section 327
20 of this title.”.

21 (w) NUCLEAR CAREER ACCESSION BONUS.—Para-
22 graph (2) of section 312b(a) of such title is amended to
23 read as follows:

24 “(2) An officer who does not commence or complete
25 satisfactorily the nuclear power training specified in the

1 agreement under paragraph (1) shall be subject to the re-
2 payment provisions of section 327 of this title.”.

3 (x) ENLISTED MEMBERS EXTENDING DUTY AT DES-
4 IGNATED LOCATIONS OVERSEAS.—Subsection (d) of sec-
5 tion 314 of such title is amended to read as follows:

6 “(d) A member who, having entered into a written
7 agreement to extend a tour of duty for a period under
8 subsection (a), receives a bonus payment under subsection
9 (b)(2) for a 12-month period covered by the agreement
10 and ceases during that 12-month period to perform the
11 agreed tour of duty shall be subject to the repayment pro-
12 visions of section 327 of this title.”.

13 (y) SPECIAL WARFARE OFFICERS EXTENDING PE-
14 RIOD OF ACTIVE DUTY.—Subsection (h) of section 318
15 of such title is amended to read as follows:

16 “(h) An officer who, having entered into a written
17 agreement under subsection (b) and has received all or
18 part of a bonus under this section, does not complete the
19 period of active duty in special warfare service as specified
20 in the agreement, shall be subject to the repayment provi-
21 sions of section 327 of this title.”.

22 (z) SURFACE WARFARE OFFICERS EXTENDING PE-
23 RIOD OF ACTIVE DUTY.—Subsection (f) of section 319 of
24 such title is amended to read as follows:

1 “(f) An officer who, having entered into a written
2 agreement under subsection (b) and having received all or
3 part of a bonus under this section, does not complete the
4 period of active duty as a department head on a surface
5 vessel specified in the agreement, shall be subject to the
6 repayment provisions of section 327 of this title.”.

7 (aa) JUDGE ADVOCATE CONTINUATION PAY.—Sub-
8 section (f) of section 321 of such title is amended to read
9 as follows:

10 “(f) An officer who has entered into a written agree-
11 ment under subsection (b) and has received all or part
12 of the amount payable under the agreement but who does
13 not complete the total period of active duty specified in
14 the agreement, shall be subject to the repayment provi-
15 sions of section 327 of this title.”.

16 (bb) 15-YEAR CAREER STATUS BONUS FOR MEM-
17 BERS ENTERING SERVICE ON OR AFTER AUGUST 1,
18 1986.—Subsection (f) of section 322 of such title is
19 amended to read as follows:

20 “(f) If a person paid a bonus under this section does
21 not complete a period of active duty beginning on the date
22 on which the election of the person under subsection (a)(1)
23 is received and ending on the date on which the person
24 completes 20 years of active duty service as described in

1 subsection (a)(2), the person shall be subject to the repay-
2 ment provisions of section 327 of this title.”.

3 (cc) RETENTION INCENTIVES FOR MEMBERS QUALI-
4 FIED IN A CRITICAL MILITARY SKILL.—Subsection (g) of
5 section 323 of such title is amended to read as follows:

6 “(g) A member who has entered into a written agree-
7 ment under subsection (a), and who does not complete the
8 total period of active duty specified in the agreement, shall
9 be subject to the repayment provisions of section 327 of
10 this title.”.

11 (dd) ACCESSION BONUS FOR NEW OFFICERS IN
12 CRITICAL SKILLS.—Subsection (f) of section 324 of such
13 title is amended to read as follows:

14 “(f) An individual who, having received all or part
15 of the bonus under an agreement referred to in subsection
16 (a), is not thereafter commissioned as an officer or does
17 not commence or does not complete the total period of ac-
18 tive duty service specified in the agreement, shall be sub-
19 ject to the repayment provisions of section 327 of this
20 title.”.

21 (ee) INCENTIVE BONUS: SAVINGS PLAN FOR EDU-
22 CATION EXPENSES AND OTHER CONTINGENCIES.—Sub-
23 section (g) of section 325 of such title is amended to read
24 as follows:

1 “(g) If a person does not complete the qualifying
2 service for which the person is obligated under a commit-
3 ment for which a benefit has been paid under this section,
4 the person shall be subject to the repayment provisions
5 of section 327 of this title.”.

6 (ff) ENLISTMENT INCENTIVES FOR PURSUIT OF
7 SKILLS TO FACILITATE NATIONAL SERVICE—Subsection
8 (i) of section 510 of title 10, United States Code, is
9 amended to read as follows:

10 “(i) If a National Call to Service participant who has
11 entered into an agreement under subsection (b) and re-
12 ceived or benefitted from an incentive under subsection
13 (e)(1) or (e)(2) fails to complete the total period of service
14 specified in such agreement, the National Call to Service
15 participant shall be subject to the repayment provisions
16 of section 327 of title 37.”.

17 (gg) SCHOLARSHIP PROGRAM FOR QUALIFYING PER-
18 SONNEL FOR ACQUISITION POSITIONS IN THE DEPART-
19 MENT OF DEFENSE—Paragraph (3) of section 1744(d) of
20 such title is amended to read as follows:

21 “(3) For a uniformed member who is separated from
22 service before the end of the period for which the person
23 has agreed to continue in the service in an acquisition po-
24 sition shall be subject to the repayment provisions of sec-
25 tion 327 of title 37. For an employee of the Department

1 of Defense, the Secretary may waive in whole or in part
2 a required repayment under this subsection if the Sec-
3 retary determines the recovery would be against equity
4 and good conscience or would be contrary to the best inter-
5 ests of the United States.”.

6 (hh) ADVANCED EDUCATION ASSISTANCE.—Section
7 2005 of such title is amended—

8 (1) in subsection (a), by amending paragraph
9 (3) to read as follows:

10 “(3) that if such person does not complete the
11 period of active duty specified in the agreement, or
12 does not fulfill any term or condition prescribed pur-
13 suant to clause (4), such person shall be subject to
14 the repayment provisions of section 327 of title 37.”;

15 (2) by striking subsections (c), (d), (g) and (h);

16 (3) by redesignating subsections (e) and (f) as
17 subsections (c) and (d), respectively; and

18 (4) by amending subsection (d), as redesignated
19 by paragraph (3), to read as follows:

20 “(d) The Secretary concerned shall require, as a con-
21 dition to the Secretary providing financial assistance
22 under section 2107 or 2107a of this title to any person,
23 that such person enter into an agreement described in sub-
24 section (a). In addition to the requirements of subsections
25 (a)(1) through (a)(4), any agreement required by this sub-

1 section shall provide that if such person does not complete
2 the education requirements specified in the agreement, or
3 does not fulfill any term or condition prescribed pursuant
4 to subsection (a)(4), the person shall be subject to the re-
5 payment provisions of section 327 of title 37 without the
6 Secretary first ordering such person to active duty as pro-
7 vided for under subsection (a)(2) and sections 2107(f) and
8 2107a(f) of this title.”.

9 (ii) TUITION FOR OFF-DUTY TRAINING OR EDU-
10 CATION.—Section 2007 of such title is amended by adding
11 at the end the following new subsection:

12 “(f) REPAYMENT.—If such person does not complete
13 the period of active duty specified in the agreement under
14 subsection (b), such person shall be subject to the repay-
15 ment provisions of section 327 of title 37.”.

16 (jj) ADVANCED TRAINING, FAILURE TO COMPLETE
17 OR TO ACCEPT COMMISSION.—Section 2105 of such title
18 is amended—

19 (1) by striking “A member” and inserting “(a)
20 A member”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(b) REPAYMENT.—If such person does not complete
24 the period of active duty specified under subsection (a),

1 the person shall be subject to the repayment provisions
2 of section 327 of title 37.”.

3 (kk) FINANCIAL ASSISTANCE PROGRAM FOR SPE-
4 CIALY SELECTED MEMBERS.—Section 2107 of such title
5 is amended by adding at the end the following new sub-
6 section:

7 “(j) REPAYMENT.—A person after signing a written
8 agreement who thereafter is not commissioned as an offi-
9 cer or does not complete the period of service as specified
10 in subsection (b), (f) or (h)(2), shall be subject to the re-
11 payment provisions of section 327 of title 37.”.

12 (ll) HEALTH PROFESSIONS SCHOLARSHIP AND FI-
13 NANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE.—
14 Subparagraph (C) of section 2123(e)(1) of such title is
15 amended to read as follows:

16 “(C) If such person does not complete the period of
17 active duty obligation specified under subsection (a), such
18 person shall be subject to the repayment provisions of sec-
19 tion 327 of title 37.”.

20 (mm) FINANCIAL ASSISTANCE: NURSE OFFICER
21 CANDIDATES.—Subsection (d) of section 2130a of such
22 title is amended to read as follows:

23 “(d) REPAYMENT.—A person who does not complete
24 a nursing degree program in which the person is enrolled
25 in accordance with the agreement entered into under sub-

1 section (a), or having completed the nursing degree pro-
2 gram, does not become an officer in the Nurse Corps of
3 the Army or the Navy or an officer designated as a nurse
4 officer of the Air Force or commissioned corps of the Pub-
5 lic Health Service; or does not complete the period of obli-
6 gated active service required under the agreement, shall
7 be subject to the repayment provisions of section 327 of
8 title 37.”.

9 (nn) EDUCATION LOAN REPAYMENT PROGRAM:
10 COMMISSIONED OFFICERS IN SPECIFIED HEALTH PRO-
11 FESSIONS.—Subsection (g) of section 2173 of such title
12 is amended—

13 (1) by inserting “(1)” after “(g)”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(2) An officer who does not complete the period of
17 active duty specified in the agreement entered into under
18 subsection (a)(3), or the alternative obligation under para-
19 graph (1), shall be subject to the repayment provisions of
20 section 327 of title 37.”.

21 (oo) SCHOLARSHIP PROGRAM FOR DEGREE PRO-
22 GRAM FOR DEGREE OR CERTIFICATION IN INFORMATION
23 ASSURANCE.—Section 2200a of such title is amended—

24 (1) by amending subsection (e) to read as fol-
25 lows:

1 “(e) REPAYMENT FOR PERIOD OF UNSERVED OBLI-
2 GATED SERVICE.—(1) A member of an armed force who
3 does not complete the period of active duty specified in
4 the service agreement under section (b) shall be subject
5 to the repayment provisions of section 327 of title 37.

6 “(2) A civilian employee of the Department of De-
7 fense who voluntarily terminates service before the end of
8 the period of obligated service required under an agree-
9 ment entered into under subsection (b) shall refund to the
10 United States an amount determined by the Secretary of
11 Defense as being appropriate to obtain adequate service
12 in exchange for financial assistance and otherwise to
13 achieve the goals set forth in section 2200(a) of this title.

14 “(A) OBLIGATION AS DEBT.—An obligation to
15 reimburse the United States imposed under para-
16 graph (1) is for all purposes a debt owed to the
17 United States.

18 “(B) REPAYMENT.—The Secretary of Defense
19 may waive, in whole or in part a refund required
20 under paragraph (1) if the Secretary determines
21 that recovery would be against equity and good con-
22 science or would be contrary to the best interests of
23 the United States.

24 “(C) EFFECT OF DISCHARGE IN BANK-
25 RUPTCY.—A discharge in bankruptcy under title 11

1 that is entered less than five years after the termi-
2 nation of an agreement under this section does not
3 discharge the person signing such agreement from a
4 debt arising under such agreement or under this
5 subsection.”;

6 (2) by striking subsection (f); and

7 (3) by redesignating subsection (g) as sub-
8 section (f).

9 (pp) CADETS: AGREEMENT TO SERVICE AS OFFI-
10 CER.—Section 4348 of such title is amended by adding
11 at the end the following new subsection:

12 “(f) A cadet or former cadet who does not fulfill the
13 terms of the agreement as specified under section (a), or
14 the alternative obligation under subsection (b), shall be
15 subject to the repayment provisions of section 327 of title
16 37.”.

17 (qq) MIDSHIPMEN: AGREEMENT FOR LENGTH OF
18 SERVICE.—Section 6959 of such title is amended by add-
19 ing at the end the following new subsection:

20 “(f) A midshipman or former midshipman who does
21 not fulfill the terms of the agreement as specified under
22 section (a), or the alternative obligation under subsection
23 (b), shall be subject to the repayment provisions of section
24 327 of title 37.”.

1 (rr) CADETS: AGREEMENT TO SERVICE AS OFFI-
2 CER.—Section 9348 of such title is amended by adding
3 at the end the following new subsection:

4 “(f) A cadet or former cadet who does not fulfill the
5 terms of the agreement as specified under section (a), or
6 the alternative obligation under subsection (b), shall be
7 subject to the repayment provisions of section 327 of title
8 37.”.

9 (ss) CADETS: NUMBER, APPOINTMENT, OBLIGATION
10 TO SERVE.—Section 182 of title 14, United States Code,
11 is amended by adding at the end the following new sub-
12 section:

13 “(g) A cadet or former cadet who does not fulfill the
14 terms of the obligation to serve as specified under section
15 (b), or the alternative obligation under subsection (c),
16 shall be subject to the repayment provisions of section 327
17 of title 37.”.

18 (tt) EDUCATIONAL ASSISTANCE FOR MEMBERS OF
19 THE SELECTED RESERVE.—Section 16135 of title 10
20 United States Code, is amended to read as follows:

21 **“§ 16135. Failure to participate satisfactorily; pen-**
22 **alties**

23 “(a) A member of the Selected Reserve of the Ready
24 Reserve of an armed force who does not participate satis-
25 factorily in required training as a member of the Selected

1 Reserve during a term of enlistment or other period of
2 obligated service that created entitlement of the member
3 to educational assistance under this chapter, and during
4 which the member has received such assistance, shall, at
5 the option of the Secretary concerned—

6 “(1) be ordered to active duty for a period of
7 two years or the period of obligated service the per-
8 son has remaining under section 16132 of this title,
9 whichever is less; or

10 “(2) be subject to the repayment provisions
11 under section 327 of title 37.

12 “(b) Any repayment under the provisions of section
13 327 of title 37 shall not affect the period of obligation
14 of such member to serve as a Reserve in the selected Re-
15 serve.”.

16 (III) HEALTH PROFESSIONS STIPEND PROGRAM—
17 PENALTIES AND LIMITATIONS.—Subparagraph (B) of
18 section 16203(a)(1) of such title is amended to read as
19 follows:

20 “(B) shall be subject to the repayment provi-
21 sions of section 327 of title 37.”.

22 (V) MARINE CORPS PLATOON LEADERS CLASS:
23 COLLEGE TUITION ASSISTANCE PROGRAM.—Subsection
24 (f) of section 16401 of such title is amended—

1 (1) in paragraph (1), by striking “may be re-
2 quired to repay the full amount of financial assist-
3 ance” and inserting “shall be subject to the repay-
4 ment provisions of section 327 of title 37”; and

5 (2) by amending paragraph (2) to read as fol-
6 lows:

7 “(2) Any requirement to repay any portion of finan-
8 cial assistance received under this section shall be adminis-
9 tered under Secretary of Defense regulations issued under
10 section 327 of title 37. The Secretary of the Navy may
11 waive the obligations referenced in paragraph (1) in the
12 case of a person who—”.

13 (ww) CONVERSION TO MILITARY OCCUPATIONAL SE-
14 CURITY INCENTIVE BONUS.—Subsection (e) of section
15 326 of title 37, United States Code, is amended to read
16 as follows:

17 “(e) REPAYMENT OF BONUS.—A member who fails
18 to serve in such military occupational specialty for the pe-
19 riod specified in the agreement executed under subsection
20 (a) shall be subject to the repayment provisions of section
21 327 of this title.”.

22 (xx) EFFECTIVE DATE.—(1) The amendments made
23 by this section shall take effect on April 1, 2005.

24 (2) Notwithstanding paragraph (1)—

1 (A) the amendments made by this section do
2 not apply to any bonus, incentive, special pay or
3 similar payment (such as education assistance or sti-
4 pend), which the United States became obligated to
5 pay before April 1, 2005; and

6 (B) the following provisions in effect on March
7 30, 2005, shall continue to apply, in accordance with
8 the provisions thereof, with respect to any bonus, in-
9 centive, special pay, or an educational benefit or sti-
10 pend, which the United States became obligated to
11 pay before April 1, 2005:

12 (i) sections 301b(g), 301d(e), 301e(d),
13 302(f), 302a(b)(4), 302b, 302d(d), 302e, 302f,
14 302g, 302h, 302j, 308(d), 308b(d), 308c(d),
15 308e(d), 308g(d), 308h(c), 308i(d), 309(b),
16 312(b), 312b(a)(2), 314(d), 318(h), 319(h),
17 321(f), 322(f), 323(g), 324(f), 325(g), and
18 326(e) of title 37, United States Code;

19 (ii) sections 510, 1744(d)(3); 2005(a)(3),
20 (c), (d), (f), and (g); 2007; 2105; 2107;
21 2123(e)(1)(C); 2130a(d); 2173(g); 2200a(e)(3);
22 4348; 6959; 9348; 16135; 16203(a)(1)(B); and
23 16401(f)(1) of title 10, United States Code;
24 and

1 (iii) section 182 of title 14, United States
2 Code.

3 **Subtitle C—Travel and**
4 **Transportation Allowances**

5 **SEC. 621. LODGING COSTS INCURRED IN CONNECTION**
6 **WITH STUDENT DEPENDENT TRAVEL.**

7 Section 430(b) of title 37, United States Code, is
8 amended—

9 (1) by redesignating paragraphs (2) and (3) as
10 paragraphs (3) and (4), respectively; and

11 (2) by inserting after paragraph (1) the fol-
12 lowing new paragraph (2):

13 “(2) The allowance described in paragraph (1) may
14 include reimbursement at a rate prescribed by the Secre-
15 taries concerned for lodging costs incurred when, for rea-
16 sons beyond the control of the student, the student is re-
17 quired to procure accommodations while en route.”.

18 **SEC. 622. EXPANDED TRAVEL AND TRANSPORTATION AL-**
19 **LOWANCES FOR FAMILY MEMBERS TO AT-**
20 **TEND BURIAL CEREMONIES.**

21 Section 411f of title 37, United States Code, is
22 amended—

23 (1) by amending subsection (b) to read as fol-
24 lows:

1 “(b) LIMITATIONS.—Allowances under subsection (a)
2 may be provided to the same location determined under
3 section 1482 of title 10, and may not exceed the rates
4 for two days and the time necessary for such travel.”; and

5 (2) in subsection (c)(1)(C), by striking “If no
6 person described in subparagraph (A) or (B) is pro-
7 vided travel and transportation allowances under
8 subsection (a)(1), the” and inserting “The”.

9 **Subtitle D—Other Matters**

10 **SEC. 631. ACCUMULATION OF ANNUAL LEAVE BY INTEL-** 11 **LIGENCE SENIOR LEVEL EMPLOYEES.**

12 Section 1607 of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(d) ACCUMULATION OF ANNUAL LEAVE TO EM-
16 PLOYEES IN INTELLIGENCE SENIOR LEVEL POSITIONS.—
17 Employees in Intelligence Senior Level positions des-
18 ignated under subsection (a) may accumulate annual leave
19 consistent with the provisions of section 6304(f) of title
20 5.”.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**

3 **SEC. 701. EXEMPTION OF NONAPPROPRIATED FUND**
4 **HEALTH BENEFITS PROGRAM FROM NON-**
5 **FEDERAL LAWS, TAXES, AND MANDATES.**

6 Section 349 of the National Defense Authorization
7 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
8 2727) is amended by adding at the end the following new
9 subsection:

10 “(c) EXEMPTION.—(1) No tax, fee, other monetary
11 payment, or health plan requirement may be imposed, di-
12 rectly or indirectly, on the Nonappropriated Fund Uni-
13 form Health Benefits Program of the Department of De-
14 fense or on a carrier or an underwriting or plan adminis-
15 tration contractor of that program by any State, United
16 States Territory, the District of Columbia, or the Com-
17 monwealth of Puerto Rico, or by any political subdivision
18 or other non-Federal Government authority thereof. This
19 prohibition shall apply to the same extent as the prohibi-
20 tion in section 8909(f) of title 5, United States Code, ap-
21 plies to the health insurance program authorized by chap-
22 ter 89 of such title.

23 “(2) Paragraph (1) shall not be construed to exempt
24 the Nonappropriated Fund Uniform Health Benefits Pro-
25 gram of the Department of Defense or any carrier or un-

1 derwriting or plan administration subcontractor of that
 2 program from the imposition, payment, or collection of a
 3 tax, fee, or other monetary payment on the net income
 4 or profit accruing to or realized by that program or by
 5 such carrier or underwriting or plan administration sub-
 6 contractor from business conducted under this chapter, if
 7 that tax, fee, or payment is applicable to a broad range
 8 of business activity.”.

9 **TITLE VIII—ACQUISITION POL-**
 10 **ICY, ACQUISITION MANAGE-**
 11 **MENT, AND RELATED MAT-**
 12 **TERS**

13 **Subtitle A—Acquisition Policy and**
 14 **Management**

15 **SEC. 801. DEFENSE ACQUISITION WORKFORCE CHANGES.**

16 (a) SELECTION CRITERIA AND PROCEDURES.—Sec-
 17 tion 1732(b)(1)(A) of title 10, United States Code, is
 18 amended by striking “within grade GS–13 or above of the
 19 General Schedule” and inserting “in a position as des-
 20 ignated by the Secretary of Defense”.

21 (b) CRITICAL ACQUISITION POSITIONS.—Section
 22 1733 of such title is amended by striking subsection (b)
 23 and inserting the following:

24 “(b) DESIGNATION OF CRITICAL ACQUISITION POSI-
 25 TIONS.—(1) The Secretary of Defense shall designate the

1 acquisition positions in the Department of Defense that
2 are critical acquisition positions. Such positions shall in-
3 clude the following:

4 “(A) Program Executive Officer.

5 “(B) Program Manager of a major defense ac-
6 quisition program (as defined in section 2430 of this
7 title) or of a significant nonmajor defense acquisition
8 program (as defined in section 1737(a)(3) of this
9 title).

10 “(C) Deputy program manager of a major de-
11 fense acquisition program.

12 “(D) Any other acquisition position of signifi-
13 cant responsibility determined by the Secretary to be
14 critical.

15 “(2) The Secretary shall periodically publish a list of
16 the positions designated under this subsection.”

17 (c) SCHOLARSHIP PROGRAMS.—Section 1742(3) of
18 such title is amended by adding at the end the following:

19 “(A) WRITTEN AGREEMENT.—Scholarship
20 recipients shall be required to sign a written
21 agreement defining the terms for the scholar-
22 ship. Such terms shall address criteria for con-
23 tinuing eligibility and repayment if the recipient
24 fails to make the eligibility criteria and a con-
25 tinuing service obligation.

1 “(B) REPAYMENT.—(i) In addition to the
2 repayments that may be required by subpara-
3 graph (A), any person participating in a schol-
4 arship program established under this section
5 shall agree to pay to the United States the total
6 amount of educational assistance provided to
7 the person under this program if the person is
8 voluntarily separated from government service
9 or involuntarily separated for cause from the
10 Department of Defense before the end of the
11 period for which the person has agreed to con-
12 tinue in the service of the Department of De-
13 fense in an acquisition position.

14 “(ii) If an employee fails to fulfill his
15 agreement to pay to the Government the total
16 amount of educational assistance provided to
17 the person under this program, a sum equal to
18 the amount of the educational assistance is re-
19 coverable by the Government from the employee
20 or his estate by—

21 “(I) setoff against accrued pay, com-
22 pensation, amount of retirement credit, or
23 other amount due the employee from the
24 Government; and

1 “(II) such other method as is provided
2 by law for the recovery of amounts owing
3 to the Government.

4 “(iii) The Secretary may waive in whole or
5 in part a required repayment under this sub-
6 section if the Secretary determines the recovery
7 would be against equity and good conscience or
8 would be contrary to the best interests of the
9 United States.

10 “(iv) EFFECT OF DISCHARGE IN BANK-
11 RUPTCY.—A discharge in bankruptcy under
12 title 11 that is entered less than five years after
13 the termination of an agreement under this sec-
14 tion does not discharge the person signing such
15 agreement from a debt arising under such
16 agreement.

17 “(C) RULE OF CONSTRUCTION.—Nothing
18 in this section shall be considered to require
19 that a position be offered to a person after such
20 person successfully completes the course of edu-
21 cation agreed to. However, if no position de-
22 scribed in the required written agreement of
23 subsection (3)(A) is offered within the time
24 specified in the agreement, the agreement shall
25 be considered terminated.”.

1 (d) AUTHORITY TO ESTABLISH DIFFERENT MIN-
2 IMUM REQUIREMENTS.—Section 1764(b) of such title is
3 amended—

4 (1) in paragraph (1), by striking “(5)” and in-
5 serting “(6)”;

6 (2) by redesignating paragraph (5) as para-
7 graph (6); and

8 (3) by inserting after paragraph (4) the fol-
9 lowing new paragraph (5):

10 “(5) Deputy Program Manager.”.

11 **SEC. 802. DELEGATION TO THE DEFENSE CONTRACT MAN-**
12 **AGEMENT AGENCY TO MAKE DETERMINA-**
13 **TIONS CONCERNING RESTRUCTURING**
14 **COSTS.**

15 Paragraph (2) of section 2325(a) of title 10, United
16 States Code, is amended by striking “an Assistant Sec-
17 retary of Defense” and inserting “the Director, Defense
18 Contract Management Agency”.

19 **SEC. 803. DISPOSAL OF EXCESS AND OBSOLETE MATERIALS**
20 **CONTAINED IN THE NATIONAL DEFENSE**
21 **STOCKPILE.**

22 (a) DISPOSAL AUTHORIZED.—Subject to conditions
23 specified in subsection (b), the President may dispose ex-
24 cess and obsolete materials contained in the National De-
25 fense Stockpile as set forth in the following table, with

- 1 the quantity of each material authorized for disposal to
- 2 be either the remaining inventory or the quantity set forth,
- 3 whichever is greater:

Cobalt	4,497,460 pounds contained cobalt
Beryllium metal (vacuum cast)	5 short tons
Chromite Chemical	34,000 short dry tons
Chromite Refractory	83,791 short tons
Chromium Ferroalloy	63,279 short tons
Columbium Concentrates	747,978 pounds contained columbium
Columbium Metal Ingot	60,751 pounds contained columbium
Diamond, Stones	780,426 carats
Germanium	34,263 kilograms
Platinum	20,880 troy ounces
Platinum—Palladium	4,918 troy ounces
Tantalum Carbide Powder	8,158 pounds contained tantalum
Tantalum Metal Powder	34,607 pounds contained tantalum
Tantalum Minerals	1,287,016 pounds contained tantalum
Tantalum Oxide	41,320 pounds contained tantalum
Tungsten Ferro	280,415 pounds contained tungsten
Tungsten Metal Powder	919,666 pounds contained tungsten
Tungsten Ores & Concentrates	60,375,212 pounds contained tungsten

4 (b) MINIMIZATION OF DISRUPTION AND LOSS.—Dis-
 5 posal of materials under this section should minimize—

6 (1) undue disruption of the usual markets of
 7 producers, processors, and consumers of the mate-
 8 rials proposed for disposal; or

9 (2) avoidable loss to the United States.

10 (c) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
 11 ITY.—The disposal authority provided in subsection (a) is
 12 new disposal authority and is in addition to, and shall not
 13 affect, any other disposal authority provided by law re-
 14 garding the materials in the National Defense Stockpile.

1 **SEC. 804. PRIVATIZATION OF MILITARY UTILITIES LO-**
2 **CATED ON NON---FEDERAL LAND.**

3 Section 2688 of title 10, United States Code, is
4 amended—

5 (1) by adding at the end the following new sub-
6 section:

7 “(j) CONVEYANCES ON PROPERTY OWNED BY OTH-
8 ERS.—(1) Notwithstanding subsection (b), for those in-
9 stallations where the United States does not own a pre-
10 ponderance of the land underlying the installation, the
11 Secretary concerned may carry out a conveyance under
12 subsection (a), without using competitive procedures, if
13 the prospective conveyee—

14 “(A)(i) is a utility company whose service area
15 is adjacent to or covers part or all of the installa-
16 tion;

17 “(ii) is a regulated utility company;

18 “(iii) has a franchise to serve the area encom-
19 passing part or all of the installation; and

20 “(iv) has a franchise granted by the state; or

21 “(B)(i) is a governmental entity;

22 “(ii) operates a public airport adjoining the in-
23 stallation;

24 “(iii) owns the property underlying a substan-
25 tial part or all of the installation; and

1 “(iv) owns the utility system for the adjoining
2 airport.

3 “(2) Clause (A)(iii) of paragraph (1) shall apply only
4 if the State in which the installation is located grants fran-
5 chises for the type of utility system being conveyed.

6 “(3) If more than one prospective conveyee meets the
7 requirements of paragraph (1), the Secretary may limit
8 competition to only those prospective conveyees.”;

9 (2) in subsection (c)—

10 (A) by redesignating paragraphs (2) and

11 (3) as paragraphs (3) and (4), respectively; and

12 (B) by inserting after paragraph (1) the
13 following new paragraph (2):

14 “(2) Notwithstanding paragraph (1), if the convey-
15 ance is made in accordance with subsection (j), and is
16 made—

17 “(A) to a regulated utility company which is
18 wholly owned by or is a governmental entity, or

19 “(B) to a governmental entity under clause (B)
20 of subsection (j)(1),

21 the Secretary may determine that the interest conveyed
22 has a value of \$1.00. Such determination shall be conclu-
23 sive for all purposes.”;

24 (3) in subsection (f), by adding at the end the fol-
25 lowing new paragraph:

1 “(3) In any conveyance to which paragraph (2) of
2 subsection (c) applies, the Secretary shall require that the
3 utility system, without notice, charge, or cost, revert to
4 the ownership of the United States if the utility company
5 to which the system was conveyed—

6 “(A) if wholly owned by a governmental entity
7 when the system was conveyed, ceases to be wholly
8 owned by a governmental entity, or

9 “(B) if a governmental entity when the system
10 was conveyed, changes to a non-governmental enti-
11 ty.”; and

12 (4) in subsection (h)—

13 (A) in the subsection heading, by striking
14 “UTILITY SYSTEM DEFINED” and inserting
15 “DEFINITIONS”; and

16 (B) by adding at the end the following new
17 paragraphs:

18 “(3) The term ‘governmental entity’ means public
19 bodies created in accordance with state law for the pur-
20 pose of exercising the authority of the state.

21 “(4) The term ‘independent regulatory body’ means
22 the Federal Energy Regulatory Commission, a state-wide
23 agency, or an agency with less than state-wide jurisdiction
24 when operating pursuant to state authority. Such a body

1 must have the power to fix, establish, or control the rates
2 and services of utility systems.

3 “(5) The term ‘non-independent regulatory body’
4 means a body that regulates a utility system which is
5 owned or operated by the regulatory body or by the same
6 entity that created the regulatory body, such as a munic-
7 ipality that owns or operates and regulates its own munic-
8 ipal utility system.

9 “(6) The term ‘regulated utility company’ means a
10 utility company regulated by an independent regulatory
11 body, as opposed to a non-independent regulatory body.”.

12 **SEC. 805. REPEAL OF REDUNDANT LIMITATIONS ON THE**
13 **PROCUREMENT OF TOTALLY ENCLOSED**
14 **LIFEBOATS.**

15 (a) Section 8124 of the Department of Defense Ap-
16 propriations Act, 1994 (Public Law 103–139; 107 Stat.
17 1469) is repealed.

18 (b) Section 8093 of the Department of Defense Ap-
19 propriations Act, 1995 (Public Law 103–335; 108 Stat.
20 2638) is repealed.

21 **SEC. 806. DEMONSTRATION PROGRAMS USING DESIGN-**
22 **BUILD CONTRACTS.**

23 (a) **AUTHORITY TO CARRY OUT PROGRAM.**—The
24 Secretary of the Navy and the Secretary of the Army each
25 may conduct a demonstration program to assess the feasi-

1 bility and desirability to enter into design for design-build
2 contract (fast-track design funding) prior to authorization
3 and appropriation of the project, using design funds made
4 available under the authority of section 2807 of title 10,
5 United States Code, for the design portion of the contract
6 in order to reduce facility acquisition time.

7 (b) DESIGN-BUILD CONTRACTING.—For purposes of
8 the demonstration program, the Secretary concerned shall
9 have, in addition the authority in paragraph (c)(5) of sec-
10 tion 2305a of title 10, United States Code, the authority,
11 notwithstanding any other provision of law, to accelerate
12 design efforts for design-build contracts (fast-track design
13 funding) to complete the design effort for any military
14 construction or family housing construction project, prior
15 to the project being authorized and appropriated, if—

16 (1) the contractor to which the contract was
17 awarded has been selected using design-build selec-
18 tion procedures established under section 2305a of
19 title 10, United States Code;

20 (2) a request for the authorization and appro-
21 priation of construction funds has been submitted to
22 Congress as part of the President’s annual budget;
23 and

1 amended by striking “September 30, 2003” and inserting
2 “September 30, 2005”.

3 **Subtitle B—Amendments to Gen-**
4 **eral Contracting Authorities,**
5 **Procedures, and Limitations**

6 **SEC. 821. PILOT AUTHORITY FOR FOLLOW-ON PRODUCTION**
7 **AGREEMENTS RELATING TO CERTAIN PRO-**
8 **TOTYPE PROJECTS.**

9 (a) FOLLOW-ON PRODUCTION AGREEMENTS.—A
10 transaction entered into under section 845 of the National
11 Defense Authorization Act for Fiscal Year 1994 as
12 amended (Public Law 103–160; 10 U.S.C. 2371 note) for
13 a prototype project may provide for the award of a follow-
14 on production agreement to the participants in the trans-
15 action for a specific number of units at specific target
16 prices. The number of units specified in the transaction
17 shall be determined on the basis of a balancing of the level
18 of the investment made in the project by the participants
19 other than the Federal Government with the interest of
20 the Federal Government in having competition among
21 sources in the acquisition of the product or products
22 prototyped under the project.

23 (b) APPROPRIATE USE OF AUTHORITY.—The Sec-
24 retary of Defense shall ensure that no official of an agency
25 enters into a transaction under the authority of this sec-

1 tion for a follow-on production agreement unless use of
2 a transaction is necessary to continue business arrange-
3 ments established for prototype projects that included the
4 significant participation of a nontraditional defense con-
5 tractor when the nontraditional defense contractor con-
6 tinues to participate to a significant extent in the pre-pro-
7 duction or production of the item.

8 (c) ADVANCE PAYMENTS.—A cumulative total of up
9 to \$20,000,000 of advances to participants in the trans-
10 actions under this section is allowed without regard to sub-
11 section 3324(a) of title 31, United States Code, regarding
12 advance payments.

13 (d) COMPETITIVE PROCEDURES.—A follow-on pro-
14 duction agreement provided for in a transaction under
15 paragraph (a) may be awarded to the participants in the
16 transaction without the use of competitive procedures, not-
17 withstanding the requirements of section 2304 of title 10,
18 United States Code, if—

19 (1) competitive procedures were used for the se-
20 lection of parties for participation in the prototype
21 transaction;

22 (2) the participants in the prototype transaction
23 successfully completed the prototype project provided
24 for in the transaction;

1 (3) the number of units provided for in the fol-
2 low-on production agreement does not exceed the
3 number of units specified in the prototype other
4 transaction for such potential follow-on production
5 agreement; and

6 (4) the prices established in the follow-on pro-
7 duction agreement do not exceed target prices speci-
8 fied in the prototype other transaction for such a po-
9 tential follow-on production agreement.

10 (e) PROTECTION OF CERTAIN INFORMATION FROM
11 DISCLOSURE.—

12 (1) Disclosure of information described in para-
13 graph (2) is not required, and may not be compelled,
14 under section 552 of title 5, United States Code, for
15 five years after the date on which the information is
16 received by the Department of Defense.

17 (2)(A) Paragraph (1) applies to information de-
18 scribed in paragraph (B) that is in the records of
19 the Department of Defense if the information was
20 submitted to the Department in a competitive or
21 noncompetitive process having the potential for re-
22 sulting in an award, to the party submitting the in-
23 formation, of a cooperative agreement for perform-
24 ance of basic, applied, or advanced research author-

1 ized by section 2358 of this title or another trans-
2 action authorized by subsection (a).

3 (B) The information referred to in subpara-
4 graph (A) is the following:

5 (i) A proposal, proposal abstract, and sup-
6 porting documents.

7 (ii) A business plan submitted on a con-
8 fidential basis.

9 (iii) Technical information submitted on a
10 confidential basis.

11 (f) PERIOD OF AUTHORITY.—The authority to con-
12 duct a pilot program under this section shall terminate
13 on September 30, 2010. The termination of the authority
14 shall not affect the validity of continued performance on
15 agreements that are awarded or modified during the pe-
16 riod of the pilot program.

17 **SEC. 822. CHARGING OF FEES FOR LOGISTICS DATA.**

18 (a) IN GENERAL.—Chapter 141 of title 10, United
19 States Code, is amended by inserting after section 2410m
20 the following new section:

21 **“§ 2410n. Charging of fees for logistics data**

22 “The Secretary of Defense may establish fees, at a
23 level sufficient to recover costs, for materials provided by
24 the Defense Logistics Information Services to the public,

1 State and local governments, and Federal entities from
2 the Federal Logistics Information System.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following item:

“2410n. Charging of fees for logistics data.”.

6 **SEC. 823. SALE AND EXCHANGE OF MISSILE PROPELLANTS**
7 **AND ELECTRICITY.**

8 (a) IN GENERAL.—Section 2404 of title 10, United
9 States Code, is amended—

10 (1) by striking “fuel” each place it appears and
11 inserting “energy”;

12 (2) in subsection (d), by striking “of the De-
13 partment of Defense”;

14 (3) in subsection (e), by striking “such blends”
15 and inserting “such blends, and additives thereto”;

16 (4) by redesignating subsection (f) as sub-
17 section (g);

18 (5) by inserting after subsection (e) the fol-
19 lowing new subsection (f):

20 “(f) MISSILE PROPELLANT DEFINED.—In this sec-
21 tion, the term ‘missile propellant’ means the chemical
22 product which is utilized as an energy, oxidizer, catalyst
23 or inert additive in the engines of rockets and missiles or
24 used in high energy lasers.”; and

1 (6) in subsection (g), as redesignated by para-
2 graph (4), by adding at the end the following new
3 paragraphs:

4 “(5) Missile propellant.

5 “(6) Electricity.”

6 (b) CLERICAL AMENDMENTS.—(1) The heading of
7 such section is amended to read as follows:

8 **“§ 2404. Energy acquisitions, exchanges and waiv-**
9 **ers”.**

10 (2) The table of sections at the beginning of chapter
11 141 of such title is amended by striking the item relating
12 to section 2404 and inserting the following new item:

“2404. Energy acquisitions, exchanges and waivers.”

13 **SEC. 824. PILOT PROGRAM TO CONTRACT WITH LOCAL**
14 **GOVERNMENTS FOR SERVICES.**

15 (a) ACQUISITION AUTHORITY.—Subject to the provi-
16 sions of chapter 146 of title 10, United States Code, but
17 notwithstanding any other provision of law related to the
18 award of public contracts, the Secretary of a military de-
19 partment may enter into a contract or other agreement
20 for the provision of local governmental services at an in-
21 stallation of the Department of Defense with the local gov-
22 ernmental entity responsible in accordance with state law
23 for serving the area that includes the installation or facil-
24 ity. The Secretary may enter into such a contract or
25 agreement without utilizing competitive procedures and

1 without regard to whether the local governmental entity
2 to which the Secretary makes award is required by law
3 to provide those services to the public without direct
4 charge: provided, however, that such law does not require
5 the provision of those services to federal facilities without
6 charge.

7 (b) LIMITATIONS.—The authority provided in sub-
8 section (a) may be used at no more than two installations
9 in each military department and may not be applied after
10 September 30, 2010.

11 (c) DEFINITIONS.—In this section, the term “local
12 governmental services” means refuse collection and dis-
13 posal, libraries, recreation, facility repair and mainte-
14 nance, and utilities.

15 **SEC. 825. PROCUREMENT OF BALL AND ROLLER BEARINGS.**

16 (a) LIMITATION.—Paragraph (5) of subsection (a) of
17 section 2534 of title 10, United States Code, is amended
18 to read as follows:

19 “(5) BALL BEARINGS AND ROLLER BEAR-
20 INGS.—Ball bearings and roller bearings or bearing
21 components, except ball bearings and roller bearings
22 being procured for use in an end product manufac-
23 tured by a manufacturer that does not satisfy the
24 requirements of subsection (b) or in a component
25 part manufactured by such a manufacturer. ‘Bear-

1 **SEC. 827. INCREASED THRESHOLD FOR REQUIRING CON-**
2 **TRACTORS TO PROVIDE SPECIFIED EM-**
3 **PLOYEE INFORMATION TO COOPERATIVE**
4 **AGREEMENT HOLDERS.**

5 Section 2416(d) of title 10, United States Code, is
6 amended by striking “\$500,000” and inserting
7 “\$1,000,000”.

8 **SEC. 828. LIMITATION ON TASK AND DELIVERY ORDER**
9 **CONTRACTS.**

10 Subsection 2304a(f) of title 10, United States Code,
11 is amended to read as follows:

12 “(f) CONTRACT PERIOD.—The head of an agency en-
13 tering into a task or delivery order contract under this
14 section may provide for the contract to cover any period
15 up to five years and may extend the contract period for
16 one or more successive periods pursuant to an option pro-
17 vided in the contract or a modification to the contract.
18 In no event, however, may the total contract period as ex-
19 tended exceed ten years.”.

20 **Subtitle C—Acquisition-Related**
21 **Reports and Other Matters**

22 **SEC. 841. STREAMLINING REAL PROPERTY TRANSACTIONS.**

23 (a) Section 2662 of title 10, United States Code, is
24 amended—

25 (1) by amending subsection (a) to read as fol-
26 lows:

1 “(a) GENERAL NOTICE AND WAIT REQUIRE-
2 MENTS.—The Secretary concerned shall provide a report
3 of the facts concerning the proposed transaction to the
4 Committee on Armed Services of the Senate and the Com-
5 mittee on Armed Services of the House of Representatives
6 if the estimated price, annual rental, or value exceeds the
7 unspecified minor military construction ceiling in section
8 2805(a)(1) of this title. Such transactions are—

9 “(1) An acquisition of fee title to any real prop-
10 erty,

11 “(2) A lease of any real property to the United
12 States,

13 “(3) A lease or license of real property owned
14 by the United States,

15 “(4) A transfer of real property owned by the
16 United States to another Federal agency or another
17 military department or to a State,

18 “(5) A report of excess real property owned by
19 the United States to a disposal agency, or

20 “(6) Any termination or modification by either
21 the grantor or grantee of an existing license or per-
22 mit to a military department of real property owned
23 by the United States, under which substantial in-
24 vestments have been or are proposed to be made in

1 connection with the use of the property by the mili-
2 tary department.”;

3 (2) in subsection (b), by striking “\$750,000”
4 and inserting “the unspecified minor military con-
5 struction project ceiling in section 2805(a)(1) of this
6 title”; and

7 (3) in subsection (e), by striking “\$750,000”
8 and inserting “the unspecified minor military con-
9 struction project ceiling in section 2805(a)(1) of this
10 title”.

11 (b) Section 2672 of title 10, United States Code, is
12 amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by striking “(1) The” and insert-
16 ing “The”;

17 (ii) by redesignating subparagraphs
18 (A) and (B) as paragraphs (1) and (2);
19 and

20 (iii) in paragraph (2), as redesignated,
21 by striking “\$750,000” and inserting “the
22 unspecified minor military construction
23 project ceiling in section 2805(a)(1) of this
24 title”; and

25 (B) by striking paragraph (2); and

1 (2) in subsection (b), by striking “\$750,000”
2 and everything that follows through the period at
3 the end of the sentence and inserting “the unspec-
4 ified minor military construction project ceiling in
5 section 2805(a)(1) of this title”.

6 **SEC. 842. REPEAL OF ANNUAL REPORTING REQUIREMENT**
7 **CONCERNING MANAGEMENT OF DEPOT EM-**
8 **PLOYEES.**

9 Section 2472 of title 10, United States Code, is
10 amended—

11 (1) by striking “(a) PROHIBITION ON MANAGE-
12 MENT BY END STRENGTH.—”; and

13 (2) by striking subsection (b).

14 **SEC. 843. SIMPLIFICATION OF ANNUAL REPORTING RE-**
15 **QUIREMENTS CONCERNING FUNDS EX-**
16 **PENDED FOR DEPOT MAINTENANCE AND RE-**
17 **PAIR WORKLOADS.**

18 Section 2466(d) of title 10, United States Code, is
19 amended to read as follows:

20 “(d) ANNUAL REPORTS.—(1) Not later than April 1
21 of each year, the Secretary of Defense shall submit to Con-
22 gress a report identifying, for each of the military depart-
23 ments and each Defense Agency, the percentage of the
24 funds referred to in subsection (a) that was expended dur-
25 ing the preceding fiscal year and are projected to be ex-

1 pended in the current and the next fiscal years for per-
2 formance of depot-level maintenance and repair workloads
3 by the public and private sectors, as required by this sec-
4 tion.

5 “(2) Not later than 60 days after the date on which
6 the Secretary submits a report under this subsection, the
7 Comptroller General shall submit to Congress the Comp-
8 troller General’s views on whether the Department of De-
9 fense has complied with the requirements of subsection (a)
10 for the preceding fiscal year covered by the report and that
11 the expenditure projections for the current and next fiscal
12 years are reasonable.”.

13 **SEC. 844. PROVISIONS RELATING TO REAL PROPERTY.**

14 (a) IN GENERAL.—(1) Section 2661 of title 10,
15 United States Code, is amended by adding at the end the
16 following new subsections:

17 “(c) COMMISSIONS ON LAND PURCHASE CON-
18 TRACTS.—The maximum amount payable as a commission
19 on a contract for the purchase of land from funds appro-
20 priated for the Department of Defense is 2 percent of the
21 purchase price.

22 “(d) AVAILABILITY OF FUNDS FOR ACQUISITION OF
23 CERTAIN INTERESTS IN LANDS.—Appropriations avail-
24 able to the Department of Defense for operation and
25 maintenance or construction may be used for the acquisi-

1 tion of land or interests in land under section 2672 of
2 this title and for the acquisition of interests in land under
3 section 2675 of this title.”.

4 (2) Section 2679 of such title is amended—

5 (A) by striking the title and inserting the fol-
6 lowing:

7 **“§ 2679. Use of facilities by private organizations or**
8 **as polling places”;**

9 (B) by redesignating subsections (a), (b), (c),
10 and (d) as paragraphs (1), (2), (3), and (4), respec-
11 tively;

12 (C) by inserting before paragraph (1), as redesi-
13 gnated, the following:

14 “(a) USE OF SPACE AND EQUIPMENT BY VETERANS’
15 ORGANIZATIONS.—”;

16 and

17 (D) by adding at the end the following new sub-
18 sections:

19 “(b) LICENSES TO AMERICAN NATIONAL RED CROSS
20 FOR ERECTION AND USE OF BUILDINGS.—Under such
21 conditions as he may prescribe, the Secretary concerned
22 may issue a revocable license to the American National
23 Red Cross to—

1 “(1) erect and maintain, on any military instal-
2 lation under the Secretary’s jurisdiction, buildings
3 for the storage of supplies; or

4 “(2) use, for the storage of supplies, buildings
5 erected by the United States.

6 Supplies stored in buildings erected or used under this sec-
7 tion are available to aid the civilian population in a serious
8 national disaster.

9 “(c) USE OF CERTAIN FACILITIES AS POLLING
10 PLACES.—(1) Notwithstanding chapter 29 of title 18 (in-
11 cluding sections 592 and 593 of such title) or any other
12 provision of law, the Secretary of Defense or Secretary
13 of a military department may not (except as provided in
14 paragraph (3)) prohibit the designation or use of a quali-
15 fying facility under the jurisdiction of the Secretary as an
16 official polling place for local, State, or Federal elections.

17 “(2) A Department of Defense facility is a qualifying
18 facility for purposes of this subsection if as of December
19 31, 2000—

20 “(A) the facility is designated as an official
21 polling place by a State or local election official; or

22 “(B) the facility has been used as such an offi-
23 cial polling place since January 1, 1996.

24 “(3) The limitation in paragraph (1) may be waived
25 by the Secretary with respect to a particular Department

1 of Defense facility if the Secretary determines that local
 2 security conditions require prohibition of the designation
 3 or use of that facility as an official polling place for any
 4 election.”.

5 (3) Section 2664 of such title is repealed.

6 (4) Sections 2666, 2670, and 2673 of such title are
 7 repealed.

8 (b) CLERICAL AMENDMENTS.—The table of sections
 9 for chapter 159 of such title is amended—

10 (1) by striking the items relating to sections
 11 2664, 2666, 2670, and 2673; and

12 (2) by striking the item relating to section 2679
 13 and inserting the following:

“2679. Use of facilities by private organizations or as polling places.”.

14 **TITLE IX—DEPARTMENT OF DE-**
 15 **FENSE ORGANIZATION AND**
 16 **MANAGEMENT**

17 **Subtitle A—Duties and Functions**
 18 **of Department of Defense Officers**

19 **SEC. 901. TRANSFER OF RESPONSIBILITY FOR THE ASSEM-**
 20 **BLED CHEMICAL --WEAPONS ALTERNATIVES**
 21 **PROGRAM.**

22 Section 142(a) of the Strom Thurmond National De-
 23 fense Authorization Act for Fiscal Year 1999 (Public Law
 24 105–261; 50 U.S.C. 1521 note) is amended to read as
 25 follows:

1 “(a) PROGRAM MANAGEMENT.—Oversight of the As-
2 sembled Chemical Weapons Alternatives program shall be
3 transferred from the Under Secretary of Defense for Ac-
4 quisition, Technology and Logistics to the Secretary of the
5 Army not later than January 1, 2005. Upon transfer of
6 oversight, the program may be managed as part of the
7 Department of the Army management organization speci-
8 fied in 50 U.S.C. 1521(e). The Army shall continue to
9 implement fully the alternative technologies previously se-
10 lected for the destruction of lethal chemical munitions at
11 Pueblo Chemical Depot, Colorado, and Blue Grass Army
12 Depot, Kentucky by the Under Secretary of Defense for
13 Acquisition, Technology and Logistics.”.

14 **SEC. 902. EXPANDED ELIGIBILITY TO SERVE AS THE DEP-**
15 **UTY CHIEF OF NAVAL OPERATIONS AND AS-**
16 **SISTANT CHIEF OF NAVAL OPERATIONS.**

17 (a) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Sec-
18 tion 5036(a) of title 10, United States Code, is amended
19 by striking “in the line”.

20 (b) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—
21 Section 5037(a) of such title is amended by striking “in
22 the line”.

1 **SEC. 903. REPEAL OF REQUIRED PERIODIC INSPECTOR**
2 **GENERAL AUDITS OF --UNDEFINITIZED CON-**
3 **TRACTUAL ACTIONS.**

4 Section 908 of the Defense Acquisition Improvement
5 Act of 1986 (as contained in section 101(c) of Public Law
6 99–500 and identically enacted in section 101(c) [title X]
7 of Public Law 99–591 and title IX of division A of Public
8 Law 99–661) (10 U.S.C. 2326 note) is amended by strik-
9 ing subsection (b).

10 **SEC. 904. REPEAL OF MANDATORY INSPECTOR GENERAL**
11 **REVIEW OF -ADVISORY AND ASSISTANCE**
12 **SERVICES CONTRACT WAIVERS.**

13 Section 2399(e)(2) of title 10, United States Code,
14 is amended by striking “The Inspector General of the De-
15 partment of Defense shall review each such waiver and
16 shall include in the Inspector General’s semi-annual report
17 an assessment of those waivers made since the last such
18 report.”

19 **SEC. 905. CHAIN OF SUCCESSION FOR THE CHIEF, NA-**
20 **TIONAL GUARD BUREAU.**

21 (a) DESIGNATION OF SENIOR OFFICER IN NATIONAL
22 GUARD BUREAU.—Section 10502 of title 10, United
23 States Code, is amended by adding at the end the fol-
24 lowing new subsection:

25 “(e) SUCCESSION.—Unless otherwise directed by the
26 President or Secretary of Defense, when there is a vacancy

1 in the office of the Chief of the National Guard Bureau
2 or in the event the Chief is unable to perform his duties,
3 the more senior officer of either the Army National Guard
4 of the United States or the Air National Guard of the
5 United States on duty with the National Guard Bureau
6 shall serve as the acting Chief until a successor is ap-
7 pointed or the Chief once again is able to perform his du-
8 ties.”.

9 (b) CLERICAL AMENDMENTS.—(1) The heading of
10 such section is amended by adding at the end the fol-
11 lowing: “; **succession**”.

12 (2) The item relating to such section in the table of
13 sections at the beginning of chapter 1011 of such title is
14 amended by inserting before the period at the end the fol-
15 lowing: “; succession”.

16 (c) REPEALER.—Subsections (d) and (e) of section
17 10505 of such title are repealed.

18 **Subtitle B—Reports**

19 **SEC. 911. REPEAL OF REPORTING REQUIREMENT CON-** 20 **CERNING THE COOPERATIVE THREAT RE-** 21 **DUCTION PROGRAM.**

22 Section 1307 of the National Defense Authorization
23 Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat.
24 2165), is repealed.

1 **SEC. 912. REPEAL OF ANNUAL REPORTING REQUIREMENT**
2 **CONCERNING THREAT POSED BY WEAPONS**
3 **OF MASS DESTRUCTION, BALLISTIC MIS-**
4 **SILES, AND CRUISE MISSILES.**

5 Section 234 of the National Defense Authorization
6 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
7 1664; 50 U.S.C. 2367), is repealed.

8 **Subtitle C—Other Matters**

9 **SEC. 921. MANPOWER AND BUDGET ISSUES IN THE DE-**
10 **FENSE PRISONER OF WAR/MISSING PER-**
11 **SONNEL OFFICE.**

12 Section 1501(a)(5) of title 10, United States Code,
13 is amended by striking subparagraph (C).

14 **SEC. 922. THREE-YEAR EXTENSION OF MENTOR-PROTE**
15 **AE1GE AE1 PROGRAM.**

16 Section 831 of the National Defense Authorization
17 Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C.
18 2302 note) is amended—

19 (1) in subsection (j)—

20 (A) in paragraph (1), by striking “Sep-

21 tember 30, 2005” and inserting “September 30,

22 2008”; and

23 (B) in paragraph (2), by striking “Sep-

24 tember 30, 2008” and inserting “September 30,

25 2011”; and

1 (2) in subsection (l)(3), by striking “2007” and
2 inserting “2010”.

3 **TITLE X—GENERAL PROVISIONS**
4 **Subtitle A—Financial Matters**

5 **SEC. 1001. CAPTURE OF ALL EXPIRED FUNDS FROM THE**
6 **MILITARY PERSONNEL AND OPERATION AND**
7 **MAINTENANCE APPROPRIATIONS ACCOUNTS**
8 **FOR USE IN THE FOREIGN CURRENCY FLUC-**
9 **TUATIONS ACCOUNT.**

10 Section 2779 of title 10, United States Code, is
11 amended—

12 (1) in subsection (a)(2), by striking “second fis-
13 cal year” and inserting “fifth fiscal year”; and

14 (2) in subsection (d)(2), by striking “second fis-
15 cal year” and inserting “fifth fiscal year”.

16 **SEC. 1002. REIMBURSEMENT FOR USE OF PERSONAL CEL-**
17 **LULAR TELEPHONES WHEN USED FOR OFFI-**
18 **CIAL GOVERNMENT BUSINESS.**

19 (a) IN GENERAL.—(1) Chapter 134 of title 10,
20 United States Code, is amended by inserting after section
21 2257 the following new section:

22 **“§ 2258. Personal cellular telephones: reimbursement**
23 **when used for Government business**

24 “(a) GENERAL AUTHORITY.—The Secretary of De-
25 fense may reimburse members of the Army, Navy, Air

1 Force, and Marine Corp, and civilian officers and employ-
 2 ees of the Department of Defense, for cellular telephone
 3 use on a privately owned cellular telephone when used on
 4 official Government business. Such reimbursement shall
 5 be on a flat-rate basis.

6 “(b) REIMBURSEMENT RATE.—The Secretary of De-
 7 fense may prescribe the reimbursement rate for purposes
 8 of subsection (a). That reimbursement rate may not ex-
 9 ceed the equivalent Government costs of providing a cel-
 10 lular telephone to employees on official Government busi-
 11 ness.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of subchapter II of such chapter is
 14 amended by inserting after the item relating to section
 15 2257 the following new item:

“2258. Personal cellular telephones: reimbursement when used for Government
 business.”.

16 **SEC. 1003. PURCHASE OF PROMOTIONAL ITEMS OF NOMI-**
 17 **NAL VALUE FOR RECRUITMENT PURPOSES.**

18 (a) IN GENERAL.—Chapter 81 of title 10, United
 19 States Code, is amended by adding at the end the fol-
 20 lowing new section:

21 **“§ 1599e. Authority to purchase items of nominal**
 22 **value for recruitment purposes**

23 “The Secretary of Defense may purchase promotional
 24 items of nominal value for use in the recruitment of indi-

1 viduals for employment under this chapter. The Secretary
2 shall prescribe guidelines for the administration of the pre-
3 ceding sentence.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for such chapter is amended by adding at the end the fol-
6 lowing new item:

“1599e. Authority to purchase items of nominal value for recruitment pur-
poses.”.

7 **SEC. 1004. MICROCLAIM WAIVER AUTHORITY.**

8 (a) IN GENERAL.—Chapter 131 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 2229. General waiver authority**

12 “(a) Pursuant to regulations published by the Sec-
13 retary of Defense, the Secretary or his designees may
14 waive indebtedness owed to the United States Government
15 and arising out of the activities of, or referred to, the De-
16 partment of Defense, and not referred to another execu-
17 tive or legislative agency for further collection action,
18 when, based on a cost benefit analysis, the costs of collec-
19 tion are expected to exceed the amounts recoverable.

20 “(b) The authority pursuant to this section may be
21 delegated to the lowest level to ensure costs of processing
22 waivers do not exceed costs of processing collections. Exer-
23 cise of this waiver authority for amounts in excess of the
24 micropurchase threshold amount is not authorized.

1 “(c) Waivers under subsection (a) may be applied to
2 indebtedness owed by military and civilian personnel, fees
3 for jury duty, or similar items where application of the
4 waiver authority would be more economical to the Govern-
5 ment than processing the action to completion. Application
6 of the waiver to any transaction is at the sole discretion
7 of the Secretary or designee and may not be reviewed in
8 a court of law.

9 “(d) Nothing in this section requires the exercise of
10 the waiver authority and no rights are conferred hereby
11 on any third party.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by adding
14 at the end the following new item:

“2229. Microclaim waiver authority.”.

15 **Subtitle B—Naval Vessels and**
16 **Shipyards**

17 **SEC. 1011. EXCHANGE AND SALE OF OBSOLETE NAVY SERV-**
18 **ICE CRAFT AND BOATS.**

19 (a) IN GENERAL.—Subsection (d) of section 7305 of
20 title 10, United States Code, is amended to read as fol-
21 lows:

22 “(d) EXCHANGE OR SALE OF SIMILAR ITEMS.—(1)
23 Notwithstanding any other provision of law, the Secretary
24 and his designees, in acquiring similar personal property

1 pursuant to section 503 of title 40, may, under regulations
2 to be prescribed by the Secretary—

3 “(A) exchange or sell obsolete Navy service
4 craft and boats, and

5 “(B) retain from the proceeds of the sale of
6 such personal property amounts necessary to re-
7 cover, to the extent practicable, the full costs, direct
8 and indirect, incurred by the Navy in preparing such
9 property for exchange or sale, including the costs for
10 towing, storage, defueling, removal and disposal of
11 hazardous wastes, environmental surveys to deter-
12 mine the presence of regulated polychlorinated
13 biphenyl (PCB) containing materials, and if found,
14 the removal and disposal of regulated PCB-con-
15 taining materials, and other related costs.

16 The Secretary or his designees may use such retained pro-
17 ceeds in whole or in part payment for the preparation of
18 additional obsolete Navy service craft and boats for future
19 sale or exchange under this authority.

20 “(2) Such amounts shall be deposited into an account
21 that shall be available for such costs without regard to
22 fiscal year limitations. Amounts that are not needed to
23 pay such costs shall be transferred at least annually to
24 the general fund or to a specific account in the Treasury
25 as otherwise authorized by law.

1 “(3) Section 3709 of the Revised Statutes does not
2 apply to sales of property pursuant to this subsection.”.

3 **SEC. 1012. AWARD CONTRACTS FOR SHIP DISMANTLING ON**
4 **NET COST BASIS.**

5 (a) IN GENERAL.—Chapter 633 of title 10, United
6 States Code, is amended by inserting after section 7305
7 the following new section:

8 **“§ 7305a. Contracts for ship dismantling awarded on**
9 **net cost basis**

10 “(a) AUTHORIZATION.—Notwithstanding any other
11 provision of law, the Secretary of the Navy may award
12 on a net cost basis contracts for the dismantling of ships
13 stricken from the Naval Vessel Register. In exercising au-
14 thority under this section, the Secretary shall to the max-
15 imum extent practicable use the competitive procedure or
16 combination of competitive procedures that is best suited
17 under the circumstances of the procurement.

18 “(b) RETENTION OF PROCEEDS.—When the Sec-
19 retary of the Navy awards a ship dismantling contract on
20 a net cost basis, the contractor may retain the proceeds
21 from the sale of scrap and reusable items from the vessel
22 being dismantled.

23 “(c) DEFINITIONS.—For purposes of this section:

1 “(1) The term ‘scrap’ means personal property
2 that has no value except for its basic material con-
3 tent.

4 “(2) The term ‘net cost basis’ means the dif-
5 ferential between the gross cost of performance of
6 the contract less the offeror’s estimate of the value
7 under the contract of scrap and reusable items that
8 the contractor will remove from the vessel during
9 performance of the contract.

10 “(3) The term ‘reusable items’ means any de-
11 militarized components or removable portions of the
12 ship or equipment that the Navy has identified as
13 excess to its needs but which have potential resale
14 value on the open market.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 7305 the following new
18 item:

“7305a. Contracts for ship dismantling awarded on net cost basis.”.

19 **Subtitle C—Counterdrug Activities**

20 **SEC. 1021. USE OF TWO-YEAR EXTENSION OF**
21 **COUNTERDRUG FUNDS FOR**
22 **COUNTERTERRORISM IN COLOMBIA.**

23 (a) AUTHORITY.—In fiscal years 2005 and 2006, the
24 Secretary of Defense may use funds available for drug
25 interdiction and counterdrug activities to provide assist-

1 ance to the Government of Colombia to support a unified
2 campaign against narcotics trafficking and activities by
3 organizations designated as terrorist organizations, such
4 as the Revolutionary Armed Forces of Colombia (FARC),
5 the National Liberation Army (ELN), and the United
6 Self-Defense Forces of Colombia (AUC). This includes au-
7 thority to take actions to protect human health and wel-
8 fare in emergency circumstances, including rescue oper-
9 ations for any United States citizen, to include United
10 States armed forces personnel, United States civilian em-
11 ployees, and civilian contractors employed by the United
12 States.

13 (b) RELATIONSHIP TO EXISTING AUTHORITY.—The
14 authority in this section is in addition to authorities cur-
15 rently available to provide assistance to Colombia.

16 **Subtitle D—Other Department of**
17 **Defense Provisions**

18 **SEC. 1031. CONTROL AND SUPERVISION OF TRANSPOR-**
19 **TATION WITHIN THE DEPARTMENT OF DE-**
20 **FENSE.**

21 (a) IN GENERAL.—Title 10, United States Code, is
22 amended as follows:

23 (1) Section 4744 is amended—

24 (A) by redesignating section 4744 as sec-
25 tion 2648;

1 (B) in the first sentence, by striking “the
2 Army” and inserting “Defense”; and

3 (C) in the first paragraph, by striking
4 “Army transport agencies or, within –bulk
5 space allocations made to the Department of
6 the Army, on vessels operated by any military
7 transport agency of”.

8 (2) Section 4745 is amended—

9 (A) by redesignating section 4745 as sec-
10 tion 2649;

11 (B) in paragraph (a)—

12 (i) by striking “(1) on vessels oper-
13 ated by Army transport agencies, or (2)
14 within bulk space allocations made to the
15 Department of the Army”; and

16 (ii) by striking “any transport agency
17 of”; and

18 (C) by striking “the Army and the Sec-
19 retary of Transportation” and inserting “De-
20 fense”.

21 (3) Section 4747 is amended—

22 (A) by redesignating section 4747 as sec-
23 tion 2650;

24 (B) by striking “Army transport agencies
25 or, within bulk space allocations made to the

1 Department of the Army, on vessels operated
2 by any transport agency of”; and

3 (C) by striking “the Army” and inserting
4 “Defense”.

5 (4) Section 4741 is repealed.

6 (5) Section 4743 is repealed.

7 (6) Section 4746 is repealed.

8 (7) Section 9741 is repealed.

9 (8) Section 9743 is repealed.

10 (9) Section 9746 of title 10, United States
11 Code, is amended—

12 (A) by redesignating section 9746 as sec-
13 tion 2651;

14 (B) by inserting “vessels or” after “trans-
15 ported on”;

16 (C) by striking “Air Force transport agen-
17 cies or, within bulk space allocations made by
18 the Department of the Air Force, on vessels or
19 airplanes operated by any military transport
20 agency of”;

21 (D) in paragraph (1), by striking “the Air
22 Force” and inserting “Defense”; and

23 (E) in paragraph (4)—

24 (i) by striking subparagraph (A); and

1 (ii) by redesignating subparagraph
2 (B) as subparagraph (A).

3 (b) CLERICAL AMENDMENTS.—

4 (1)(A) The table of sections at the beginning of
5 chapter 447 of such title is amended by striking the
6 item relating to section 4744.

7 (B) The table of sections at the beginning of
8 chapter 157 of such title is amended by adding at
9 the end the following new item:

“2647. Persons and supplies: sea transportation.”.

10 (2)(A) The table of sections at the beginning of
11 chapter 447 of such title is amended by striking the
12 item relating to section 4745.

13 (B) The table of sections at the beginning of
14 chapter 157 of such title is amended by adding at
15 the end the following new item:

“2648. Civilian passengers and commercial cargoes: transports in trans-Atlantic
service.”.

16 (3)(A) The table of sections at the beginning of
17 chapter 447 of such title is amended by striking the
18 item relating to section 4747.

19 (B) The table of sections at the beginning of
20 chapter 157 of such title is amended by adding at
21 the end the following new item:

“2649. Passengers and merchandise to Guam: sea transport.”.

1 (4) The table of sections at the beginning of
2 chapter 447 of such title is amended by striking the
3 item relating to section 4741.

4 (5) The table of sections at the beginning of
5 chapter 447 of such title is amended by striking the
6 item relating to section 4743.

7 (6) The table of sections at the beginning of
8 chapter 447 of such title is amended by striking the
9 item relating to section 4746.

10 (7) The table of sections at the beginning of
11 chapter 947 of such title is amended by striking the
12 item relating to section 9741.

13 (8)(A) The table of sections at the beginning of
14 chapter 447 of such title is amended by striking the
15 item pertaining to section 4746; and

16 (B) The table of sections at the beginning of
17 chapter 157 of such title is amended by adding at
18 the end the following new item:

“2651. Civilian personnel in Alaska.”—

19 **Subtitle E—Other Matters**

20 **SEC. 1041. REPEAL OF PROHIBITION ON CONTRACTS FOR**
21 **PERFORMANCE OF SECURITY-GUARD FUNC-**
22 **TIONS.**

23 Section 2465 of title 10, United States Code, is
24 amended—

1 (1) by striking “**or security-guard**” in the
2 section heading; and

3 (2) in subsection (a), by striking “or security
4 guard”.

5 **SEC. 1042. ESTABLISHMENT OF AUXILIARIES WITHIN THE**
6 **MILITARY DEPARTMENTS.**

7 (a) IN GENERAL.—Part IV of subtitle A of title 10,
8 United States Code, is amended by inserting after chapter
9 172 the following new chapter:

10 **“CHAPTER 173—AUXILIARIES**

“Sec.

“2921. Administration of auxiliaries.

“2922. Purpose of an auxiliary.

“2923. Eligibility, enrollments.

“2924. Members of the auxiliary; status.

“2925. Disenrollment.

“2926. Membership in other organizations.

“2927. Use of member’s equipment and facilities.

“2928. Availability of appropriations.

“2929. Assignment and performance of duties.

“2930. Injury or death in line of duty.

“2931. Limitation on liability.

11 **“§ 2921. Administration of auxiliaries**

12 “(a) An auxiliary of a military department is a non-
13 military organization administered by the Secretary con-
14 cerned. For command, control, and administrative pur-
15 poses, the auxiliary shall include such organizational ele-
16 ments and units as are approved by the Secretary, which
17 may include a national board and staff (to be known as
18 the ‘auxiliary headquarters unit’), districts, regions, divi-
19 sions, and other organizational elements and units. The

1 auxiliary organization and its officers shall have such
2 rights, privileges, powers, and duties as may be granted
3 to them by the Secretary, consistent with this title and
4 other applicable provisions of law. The Secretary may des-
5 ignate the authority and responsibilities of the officers of
6 the auxiliary that the Secretary considers necessary or ap-
7 propriate for the functioning, organization, and internal
8 administration of the auxiliary.

9 “(b) The national board of an auxiliary, and any aux-
10 iliary district or region, may form a corporation under
11 State law in accordance with policies established by the
12 Secretary.

13 **“§ 2922. Purpose of an auxiliary**

14 “The purpose of an auxiliary is to assist the military
15 department under which it is established, as authorized
16 by the Secretary concerned, in performing any non-combat
17 function, power, duty, role, mission, or operation author-
18 ized by law for that military department.

19 **“§ 2923. Eligibility, enrollments**

20 “An auxiliary shall be composed of citizens of the
21 United States, who by reason of their special training or
22 experience are deemed by the Secretary concerned to be
23 qualified for duties and functions of the auxiliary, and who
24 may be enrolled therein pursuant to regulations estab-
25 lished by the Secretary.

1 **“§ 2924. Members of the auxiliary; status**

2 “(a) Except as otherwise provided in this chapter, a
3 member of an auxiliary shall not be considered a Federal
4 employee.

5 “(b) A member of an auxiliary, while performing
6 duty, shall be considered to be a Federal employee for the
7 purposes of the provisions of law relating to—

8 “(1) ethics, conflicts of interest, corruption, and
9 any other criminal or civil statutes and regulations
10 governing the conduct of Federal employees;

11 “(2) compensation for work injuries under
12 chapter 81 of title 5; and

13 “(3) resolution of claims relating to damage to
14 or loss of personal property of the member incident
15 to service under section 3721 of title 31.

16 “(c) A member of the auxiliary, while assigned to
17 duty, shall be deemed to be a person acting under an offi-
18 cer of the United States or an agency thereof for purposes
19 of section 1442(a)(1) of title 28.

20 “(d) A member of the auxiliary, while assigned to
21 duty, shall be deemed to be a member of a uniformed serv-
22 ice for purposes of sections 2928 and 2930 of this title.

23 **“§ 2925. Disenrollment**

24 “Members of an auxiliary may be disenrolled pursu-
25 ant to applicable regulations established by the Secretary
26 concerned.

1 **“§ 2926. Membership in other organizations**

2 “Members of an auxiliary may be appointed or en-
3 listed in a Reserve component, pursuant to applicable reg-
4 ulations. Membership in the auxiliary shall not bar mem-
5 bership in any other naval or military organization.

6 **“§ 2927. Use of member’s equipment and facilities**

7 “At no cost to the government, the Secretary con-
8 cerned may utilize for any purpose incident to carrying
9 out his department’s functions and duties, equipment or
10 facilities placed at his department’s disposition for any
11 such purpose by any member of the auxiliary while per-
12 forming duties or missions assigned by the Secretary.

13 **“§ 2928. Availability of appropriations**

14 “Appropriations authorized for operation and mainte-
15 nance of a military department may be used to pay actual
16 necessary traveling expenses and subsistence, or commuta-
17 tion of ration allowance in lieu of subsistence, of members
18 of the auxiliary assigned to authorized duties, but shall
19 not be available for the payment of compensation for per-
20 sonal services, incident to such operation, other than to
21 personnel of the military department.

22 **“§ 2929. Assignment and performance of duties**

23 “No member of an auxiliary, solely by reason of such
24 membership, shall be vested with, or exercise, any right,
25 privilege, power, or duty vested in or imposed upon the
26 personnel of the military department concerned, except

1 that any such member may, under applicable regulations,
2 be assigned duties which, after appropriate training and
3 examination, he has been found competent to perform, to
4 effectuate the purposes of the auxiliary. No member of the
5 auxiliary shall be placed in charge of an activity or organi-
6 zation assigned to the military department unless he has
7 been designated specifically by authority of the Secretary
8 concerned to perform such duty. Members of the auxiliary,
9 when assigned to duties as herein authorized, shall, unless
10 otherwise limited by the Secretary concerned, be vested
11 with the same power and authority in the execution of
12 such duties as members of the regular or Reserve compo-
13 nents of that military department assigned to similar duty.
14 When any member of the auxiliary is assigned to such
15 duty, he may, pursuant to regulations issued by the Sec-
16 retary, be paid actual necessary traveling expenses, includ-
17 ing a per diem allowance in conformity with standardized
18 Government travel regulations in lieu of subsistence, while
19 traveling and while on duty away from his home. No per
20 diem shall be paid for any period during which quarters
21 and subsistence in kind are furnished by the Government.
22 No member of an auxiliary, while performing auxiliary
23 duty, shall exercise command.

1 **“§ 2930. Injury or death in line of duty**

2 “(a) If a member of an auxiliary is physically injured,
3 or dies as a result of physical injury, and the injury is
4 incurred while performing any duty to which he has been
5 assigned pursuant to this chapter, the law authorizing
6 compensation for employees of the United States suffering
7 injuries while in the performance of their duties, applies,
8 subject to this section. That law shall be administered by
9 the Secretary of Labor to the same extent as if the mem-
10 ber was a civil employee of the United States and was
11 injured in the performance of that duty. For benefit com-
12 putation, regardless of pay or pay status, the member is
13 considered to have had monthly pay of the monthly equiva-
14 lent of the minimum rate of basic pay in effect for grade
15 GS-9 of the General Schedule on the date the injury is
16 incurred.

17 “(b) This section does not apply if a worker’s com-
18 pensation law provides coverage because of a concurrent
19 employment status of the member. When the member or
20 a dependent is entitled to a benefit under this section and
21 also to a concurrent benefit from the United States on
22 account of the same disability or death, the member or
23 dependent, as appropriate, shall elect which benefit to re-
24 ceive.

25 “(c) If a claim is filed under this section with the
26 Secretary of Labor for benefits because of an alleged in-

1 jury or death, the Secretary of Labor shall notify the Sec-
2 retary concerned who shall direct an investigation into the
3 facts surrounding the alleged injury or death. The Sec-
4 retary then shall certify to the Secretary of Labor whether
5 or not the injured or deceased person was a member of
6 an auxiliary, the person's military status, and whether or
7 not the injury or death was incurred incident to military
8 service.

9 “(d) A member of an auxiliary who incurs a physical
10 disability or contracts sickness or disease while performing
11 a duty to which the member has been assigned pursuant
12 to this chapter is entitled to the same hospital treatment
13 afforded a member of the Reserves of the armed forces
14 while serving on active duty.

15 “(e) In administering section 8133 of title 5, for a
16 person covered by this section—

17 “(1) the percentages applicable to payments
18 under that section are—

19 “(A) 45 percent under subsection (a)(2) of
20 that section, where the member died fully or
21 currently insured under title II of the Social Se-
22 curity Act (42 U.S.C. 401 et seq.), with no ad-
23 ditional payments for a child or children so long
24 as the widow or widower remains eligible for
25 payments under that subsection;

1 “(B) 20 percent under subsection (a)(3) of
2 that section, for one child, and 10 percent addi-
3 tional for each additional child, not to exceed a
4 total of 75 percent, where the member died
5 fully or currently insured under title II of the
6 Social Security Act; and

7 “(C) 25 percent under subsection (a)(4) of
8 that section, if one parent was wholly dependent
9 for support upon the deceased member at the
10 time of the member’s death and the other was
11 not dependent to any extent; 16 percent to each
12 if both were wholly dependent; and if one was,
13 or both were, partly dependent, a proportionate
14 amount in the discretion of the Secretary of
15 Labor;

16 “(2) payments may not be made under sub-
17 section (a)(5) of that section; and

18 “(3) the Secretary of Labor shall inform the
19 Commissioner of Social Security whenever a claim is
20 filed and eligibility for compensation is established
21 under section 8133(a)(2) and (3) of title 5. The
22 Commissioner of Social Security then shall certify to
23 the Secretary of Labor whether or not the member
24 concerned was fully or currently insured under title

1 II of the Social Security Act at the time of the mem-
2 ber's death.

3 **“§ 2931. Limitation on liability**

4 “A member of an auxiliary, while assigned to duty,
5 shall be deemed a volunteer of a nonprofit organization
6 or governmental entity for purposes of chapter 139 of title
7 42 (popularly known as the ‘Volunteer Protection Act’).
8 Subsection (d) of section 4 of such Act (42 U.S.C.
9 14503(d)) shall not apply for purposes of any claim
10 against a member of an auxiliary.”.

11 (b) CLERICAL AMENDMENT.—The tables of chapters
12 at the beginning of such subtitle and the beginning of part
13 I of such subtitle are amended by inserting after the item
14 relating to chapter 172 the following new item:

“173. Auxiliaries 2921”.

15 **SEC. 1043. NATIONAL DEFENSE HERITAGE FOUNDATION.**

16 (a) IN GENERAL.—Part IV of subtitle A of title 10,
17 United States Code is amended by adding at the end the
18 following new chapter:

19 **“CHAPTER 173—NATIONAL DEFENSE HERITAGE**
20 **FOUNDATION**

“Sec.

“2905. Establishment and purpose.

“2906. Composition and operation.

“2907. Corporate powers and obligations.

“2908. Liability of United States.

“2909. Promotion of local fundraising support.

“2910. Authorization of appropriations.

1 **“§ 2905. Establishment and purpose**

2 “(a) ESTABLISHMENT.—A National Defense Herit-
3 age Foundation is hereby established as a charitable and
4 nonprofit corporation for the purposes specified in sub-
5 section (b), and shall be organized and operated as a char-
6 itable foundation under title 76, section 501(c)(3), United
7 States Code.

8 “(b) PURPOSES.—The Foundation shall encourage,
9 accept, and administer private gifts of money and real and
10 personal property or any income therefrom for the benefit
11 of, or in connection with, the preservation, protection, and
12 continued beneficial use of historic properties owned or
13 controlled by the Department of Defense.

14 **“§ 2906. Composition and operation----**

15 “(a) BOARD OF DIRECTORS.—The National Defense
16 Heritage Foundation shall be governed by a Board of Di-
17 rectors that shall consist of—

18 “(1) the Secretary of Defense, ex officio;

19 “(2) the Secretaries of the Military Depart-
20 ments, ex officio;

21 “(3) the Director of the National Park Service,
22 ex officio;

23 “(4) five experts in the field of historic preser-
24 vation appointed by the Secretary of Defense from
25 the disciplines of architecture, history, archeology, or
26 other appropriate disciplines;

1 “(5) three at-large members from the general
2 public appointed by the Secretary of Defense; and

3 “(6) the Chairman of the Advisory Council on
4 Historic Preservation, *ex officio*.

5 “(b) TERM OF APPOINTMENT.—The initial terms of
6 the five historic preservation experts and the three at-large
7 members shall be staggered to assure continuity of admin-
8 istration. Thereafter, the term shall be six years, unless
9 a successor is chosen to fill a vacancy occurring prior to
10 the expiration of the term for which his predecessor was
11 chosen, in which event the successor shall be chosen only
12 for the remainder of that term.

13 “(c) CHAIRPERSON AND SECRETARY.—The Secretary
14 of Defense shall be the Chairman of the Board and the
15 Director of the National Park Service shall be the Sec-
16 retary of the Board.

17 “(d) MEMBERSHIP AND OPERATION.—Except as to
18 those Board members serving in their official capacities,
19 service as a member of the Board shall not constitute em-
20 ployment by, or the holding of, an office of the United
21 States for the purposes of any Federal law. A majority
22 of the members of the Board serving at any one time shall
23 constitute a quorum for the transaction of business, and
24 the Foundation shall have an official seal, which shall be
25 judicially noticed. The Board shall meet at the call of the

1 Chairman and there shall be at least one meeting each
2 year.

3 “(e) COMPENSATION AND TRAVEL EXPENSES.—No
4 compensation shall be paid to the members of the Board
5 for their services as members, but they shall be reimbursed
6 for actual and necessary traveling and subsistence ex-
7 penses incurred by them in the performance of their duties
8 as such members out of National Defense Heritage Foun-
9 dation funds available to the Board for such purposes.

10 “(f) VOLUNTEER STATUS.—The Secretary of De-
11 fense may accept, without regard to civil service classifica-
12 tion laws, rules, or regulations, the services of the Founda-
13 tion, the Board, and the officers and employees of the
14 Board, without compensation from the Department of De-
15 fense, as volunteers in the performance of the functions
16 authorized herein.

17 “(g) EMPLOYEES.—An officer or employee of the
18 Foundation—

19 “(1) shall not by virtue of the appointment or
20 employment of the office or employee, be considered
21 a Federal employee for any purpose; and

22 “(2) may not be paid by the Foundation a sal-
23 ary in excess of \$134,000 per year.

1 **“§ 2907. Corporate powers and obligations**

2 “(a) GIFTS.—(1) The Foundation is authorized to ac-
3 cept, receive, solicit, hold, administer, and use any gifts,
4 devises, or bequests, either absolutely or in trust, of real
5 or personal property or any income therefrom or other in-
6 terest therein for the benefit of or in connection with, the
7 preservation, protection, and continued beneficial use of
8 historic properties owned or controlled by the Department
9 of Defense; provided, that the Foundation may not accept
10 any such gift, devise, or bequest that entails any expendi-
11 ture other than from the resources of the Foundation.

12 “(2) An interest in real property includes, among
13 other things, easements or other rights for preservation,
14 conservation, protection, or enhancement of historic prop-
15 erties.

16 “(3) A gift, device, or bequest may be accepted by
17 the Foundation even though it is encumbered, restricted,
18 or subject to beneficial interests of private persons if any
19 current or future interest therein supports the purposes
20 for which the Foundation has been established.

21 “(b) PROPERTY AND INCOME DEALINGS AND TRANS-
22 ACTIONS.—(1) Except as otherwise required by the instru-
23 ment of transfer, the Foundation may sell, lease, invest,
24 reinvest, retain, or otherwise dispose of or deal with any
25 property or income thereof as the Board may from time
26 to time determine.

1 “(2) The Foundation shall not engage in any busi-
2 ness, nor shall the Foundation make any investment that
3 may not lawfully be made by a trust company in the Dis-
4 trict of Columbia, except that the Foundation may make
5 any investment authorized by the instrument of transfer,
6 and may retain any property accepted by the Foundation.

7 “(3) The Foundation may utilize the services and fa-
8 cilities of the Department of Defense, the Department of
9 the Interior, and the Department of Justice, and such
10 services and facilities may be made available on request
11 to the extent practicable with or without reimbursement
12 therefore. Monies reimbursed to any Department shall be
13 returned by the Department to the account from which
14 the funds for which the reimbursement is made were
15 drawn and may, without further appropriation, be ex-
16 pended for any purpose for which such account is author-
17 ized.

18 “(c) CORPORATE SUCCESSION; POWERS AND DUTIES
19 OF TRUSTEE; SUITS; PERSONAL LIABILITY FOR MALFEA-
20 SANCE.—The Foundation shall have perpetual succession,
21 with all the usual powers and obligations of a corporation
22 acting as a trustee, including the power to sue and to be
23 sued in its own name, but the members of the Board shall
24 not be personally liable, except for malfeasance.

1 “(d) AUTHORITY FOR EXECUTION OF CONTRACTS,
2 INSTRUMENTS, AND NECESSARY OR APPROPRIATE
3 ACTS.—The Foundation shall have the power to enter into
4 contracts, to execute instruments, and generally to do any
5 and all lawful acts necessary or appropriate to its pur-
6 poses.

7 “(e) BYLAWS, RULES, AND REGULATIONS; CON-
8 TRACTS FOR SERVICES.—In carrying out the provisions
9 of this subchapter, the Board may adopt bylaws, rules,
10 and regulations necessary for the administration of its
11 functions and contract for any necessary services.

12 **“§ 2908. Liability of United States**

13 “The United States shall not be liable for any debts,
14 defaults, acts, or omissions of the Foundation.

15 **“§ 2909. Promotion of local fundraising support**

16 “(a) ESTABLISHMENT.—The Foundation shall design
17 and implement a comprehensive program to assist and
18 promote philanthropic programs of support at the indi-
19 vidual military installation level.

20 “(b) IMPLEMENTATION.—The program under sub-
21 section (a) shall be implemented to—

22 “(1) assist in the creation of local nonprofit
23 support organizations; and

1 “(2) provide support, national consistency, and
2 management-improving suggestions for local non-
3 profit support organizations.

4 “(c) PROGRAM.—The program under subsection (a)
5 shall include the greatest number of military installations
6 as is practicable.

7 “(d) REQUIREMENTS.—The program under sub-
8 section (a) shall include, at a minimum—

9 “(1) a standard adaptable organizational design
10 format to establish and sustain responsible manage-
11 ment of a local nonprofit support organization for
12 support of a military installation;

13 “(2) standard and legally tenable bylaws and
14 recommended money-handling procedures that can
15 easily be adapted as applied to individual military in-
16 stallations; and

17 “(3) a standard training curriculum to orient
18 and expand the operating expertise of personnel em-
19 ployed by local nonprofit support organizations.

20 “(e) ANNUAL REPORT.—The Foundation shall report
21 the progress of the program under subsection (a) in the
22 annual report of the Foundation.

23 “(f) AFFILIATIONS.—(1) Nothing in this section re-
24 quires:

1 “(A) a nonprofit support organization or
2 friends group to modify current practices or to affil-
3 iate with the Foundation; or

4 “(B) a local nonprofit support organization, es-
5 tablished as a result of this section, to be bound
6 through its charter or corporate bylaws to be perma-
7 nently affiliated with the Foundation.

8 “(2) An affiliation with the Foundation shall be es-
9 tablished only at the discretion of the governing board of
10 a nonprofit organization.

11 **“§ 2910. Authorization of appropriations**

12 “(a) AUTHORIZATION.—There are authorized to be
13 appropriated to the Department of Defense such sums as
14 may be necessary to achieve the purposes of the Founda-
15 tion.

16 “(b) USE OF AMOUNTS APPROPRIATED.—(1) Subject
17 to paragraph (2), amounts appropriated under this section
18 shall be made available to the Foundation for use for
19 matching, in whole or in part, contributions (whether in
20 currency, services, or property) made to the Foundation
21 by private persons and State and local government agen-
22 cies.

23 “(2) No Federal funds authorized under this section
24 shall be used by the –foundation for administrative ex-

1 penses of the Foundation, including salaries, travel and
2 –transportation expenses, and other overhead expenses.

3 “(c) ADDITIONAL AUTHORIZATION.—The amounts
4 authorized to be appropriated under this section are in
5 addition to any amounts provided or available to the
6 Foundation under any other Federal law.”.

7 (b) CLERICAL AMENDMENT.—The table of chapters
8 of part IV of subtitle A of such title is amended by adding
9 at the end the following new item:

“173. National Defense Heritage Foundation 2905”.

10 **SEC. 1044. CONFORMING AMENDMENTS TO GENERAL DEFINI-**
11 **NITIONS.**

12 (a) IN GENERAL.—Section 101(e)(3) of title 10,
13 United States Code, is amended by striking “Secretary of
14 Defense” and inserting “Secretary concerned”.

15 (b) CONFORMING AMENDMENTS TO DEFINITION OF
16 CONGRESSIONAL DEFENSE COMMITTEES.—Title 10 is
17 further amended as follows:

18 (1) Sections 2676(d), 2694a(e), 2803(b),
19 2804(b), 2805(b)(2), 2806(c)(2), 2807(b), 2807(c),
20 2808(b), 2809(f)(1), 2811(d), 2812(c)(1)(A),
21 2813(c), 2814(a)(2)(A), 2814(g)(1), 2825(b)(1),
22 2827(b), 2828(f), 2835(g), 2836(f), 2837(c)(2),
23 2853(c)(2), 2854(b), 2854a(c)(1), 2865(e)(2),
24 2866(c)(2), 2875(e), 2881a(d)(2), 2881a(e),
25 2883(f), and 2884(a), are amended by striking “ap-

1 appropriate committees of Congress” in each place it
2 appears and inserting “congressional defense com-
3 mittees”.

4 (2)(A) Subsection (c) of section 2801 is amend-
5 ed by striking paragraph (4) and inserting the fol-
6 lowing new paragraph (4):

7 “(4) The term ‘congressional defense commit-
8 tees’ includes, with respect to any project to be car-
9 ried out by, or for the use of, an intelligence compo-
10 nent of the Department of Defense, the Permanent
11 Select Committee on Intelligence of the House of
12 Representatives and the Select Committee on Intel-
13 ligence of the Senate.”;

14 (B) Section 2694a is amended by striking sub-
15 section (i) and inserting the following new subsection
16 (i):

17 “(i) DEFINITION OF STATE.—The term ‘State’ in-
18 cludes the District of Columbia, the Commonwealth of
19 Puerto Rico, the Commonwealth of the Northern Mariana
20 Islands, and the Territories.”.

21 (c) CONFORMING AMENDMENTS TO DEFINITION OF
22 BASE CLOSURE LAWS.—(1) Section 2871 of such title is
23 amended by redesignating paragraphs (3) through (8) as
24 paragraphs (2) through (7), respectively.

1 (2) Section 3341(c) of title 5, United States Code,
2 is amended by striking paragraph (1) and inserting the
3 following new paragraph (1):

4 “(1) the term ‘base closure law’ has the meaning
5 given such term in section 101(a)(17) of title 10.”.

6 (3) Title 40, United States Code, is amended—

7 (A) in section 554(a), by striking paragraph (1)
8 and inserting the following new paragraph (1):

9 “(1) BASE CLOSURE LAW.—The term ‘base closure
10 law’ has the meaning given such term in section
11 101(a)(17) of title 10.”; and

12 (B) in section 572(b), by striking subparagraph
13 (B) of paragraph (1) and inserting the following new
14 subparagraph (B):

15 “(B) BASE CLOSURE LAW.—The term ‘base closure
16 law’ has the meaning given such term in section
17 101(a)(17) of title 10.”.

18 (4) Section 120(h)(4)(E) of the Comprehensive Envi-
19 ronmental Response, Compensation, and Liability Act of
20 1980 (Public Law 96–510; 42 U.S.C. § 9620(h)) is
21 amended by striking clause (ii) and inserting the following
22 new clause (ii):

23 “(ii) For purposes of this paragraph, the term ‘base
24 closure law’ has the meaning given such term in 10 U.S.C.
25 § 101(a)(17).”.

1 (5) Section 1333(i) of the National Defense Author-
2 ization Act for Fiscal Year 1994 (Public Law 103–160;
3 107 Stat. 1800), is amended by striking paragraph (1)
4 and inserting the following new paragraph (1):

5 “(1) The term ‘base closure law’ has the meaning
6 given such term in 10 U.S.C. § 101(a)(17).”.

7 (6) Section 2814 of the National Defense Authoriza-
8 tion Act for Fiscal Year 1995 (Public Law 103–337, 108
9 Stat. 3056), is amended by striking subsection (b) and
10 inserting the following new subsection (b):

11 “(b) **BASE CLOSURE LAW DEFINED.**—The term
12 ‘base closure law’ has the meaning given such term in 10
13 U.S.C. § 101(a)(17).”.

14 (7) Section 1(c) of An Act to Amend the Organic Act
15 of Guam, and for other purposes (Public Law 106–504;
16 114 Stat. 2309), is amended by striking paragraph (2)
17 and inserting the following new paragraph (2):

18 “(2) The term ‘base closure law’ has the meaning
19 given such term in 10 U.S.C. § 101(a)(17).”.

20 **SEC. 1045. USE OF DEPARTMENT OF DEFENSE FITNESS FA-**
21 **CILITIES BY CONTRACT WORKERS.**

22 (a) **IN GENERAL.**—The Secretary of Defense may au-
23 thorize employees of Department of Defense contractors
24 to use Department of Defense-owned, Department of De-
25 fense-operated fitness facilities if the Secretary determines

1 that such use is in the best interest of the Department
2 of Defense and causes no more than a de minimis increase
3 in the cost of operation of such facilities. Active duty and
4 Government civilian personnel will be granted top priority
5 status for use of such facilities where availability is lim-
6 ited.

7 (b) LIABILITY WAIVER.—In order to use such facili-
8 ties, the contractor and the employee must agree to waive
9 any claims of liability against the Government, and to its
10 officers, employees, and agents arising from such use.

11 **TITLE XI—DEPARTMENT OF** 12 **DEFENSE CIVILIAN PERSONNEL**

13 **SEC. 1101. PRIORITY PLACEMENT OF DISPLACED CIVILIAN** 14 **EMPLOYEES.**

15 (a) IN GENERAL.—Chapter 81 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 1599e. Defense priority placement program**

19 “(a) PRIORITY PLACEMENT.—The Secretary of De-
20 fense, at his sole and exclusive discretion and notwith-
21 standing the provisions of title 5, may establish one or
22 more programs to promote stability of employment for De-
23 partment of Defense civilian employees affected by chang-
24 ing mission requirements, streamlining efforts, overseas
25 rotations (including rotations undertaken pursuant to sec-

1 tion 1586 of this title), preferences established by law, and
2 other such actions as the Secretary shall determine, by
3 providing such employees priority consideration, as de-
4 fined by the Secretary, for placement in other positions
5 within the Department of Defense.

6 “(b) CONSTRUCTION.—The content of any program
7 developed under subsection (a), and any personnel action
8 undertaken pursuant to such program, shall not be review-
9 able outside the Department of Defense except to the ex-
10 tent that may be required by the United States Constitu-
11 tion.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 at the end the following new item:

“1599e. Defense priority placement program.”.

15 **SEC. 1102. EMPLOYMENT PREFERENCE FOR SPOUSES OF**
16 **CIVILIAN EMPLOYEES.**

17 Section 1784 of title 10, United States Code, is
18 amended by adding at the end the following new sub-
19 sections:

20 “(h) INCLUSION OF SPOUSES OF CERTAIN DOD CI-
21 VILIAN EMPLOYEES.—For the purposes of this section,
22 the spouse of a civilian employee of the Department of
23 Defense who has been reassigned and relocated pursuant
24 to a mandatory mobility agreement executed as a condi-
25 tion of employment, or other mandatory mobility program

1 shall be considered the spouse of a member of the armed
2 forces.

3 “(i) **LIMITING OPERATION OF THE HIRING PREFER-**
4 **ERENCE.**—The hiring preference in this section shall
5 apply to any Department of Defense civilian position other
6 than positions that fall under chief of mission authority
7 as set forth in section 3927 of title 22.”.

8 **SEC. 1103. PAY PARITY FOR CIVILIAN INTELLIGENCE PER-**
9 **SONNEL.**

10 Section 1602 of title 10, United States Code, is
11 amended—

12 (1) in subsection (a), by striking “in relation to
13 the rates of pay provided in subpart D of part III
14 of title 5 for positions subject to that subpart which
15 have corresponding levels of duties and responsibil-
16 ities” and inserting “in relation to the rates of pay
17 provided for other comparable Department of De-
18 fense Senior Executive, Senior Level, and other posi-
19 tions”; and

20 (2) by striking subsection (b) and substituting
21 the following new subsection (b):

22 “(b) The Defense Intelligence Senior Executive Serv-
23 ice shall be subject to a performance appraisal system
24 which, as designed and applied, is certified by the Sec-
25 retary of Defense as making meaningful distinctions based

1 on relative performance and may be the same performance
2 appraisal system established and implemented within the
3 Department for members of the Senior Executive Serv-
4 ice.”.

5 **SEC. 1104. PAY PARITY FOR SENIOR EXECUTIVES IN DOD**
6 **NONAPPROPRIATED FUND INSTRUMENTAL-**
7 **ITIES.**

8 (a) IN GENERAL.—Chapter 81 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 1599e. Senior executive compensation for non-**
12 **appropriated fund instrumentalities**

13 “Notwithstanding any provisions of title 5, the Sec-
14 retary of Defense may regulate the amount of total com-
15 pensation, including the rate of basic pay, of senior execu-
16 tives employed by Department of Defense nonappropriated
17 fund instrumentalities, to provide for parity with the total
18 compensation, including basic pay, of Department of De-
19 fense employees in the Senior Executive Service and other
20 similar senior executive positions.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 1589 the following new
24 item:

“1599e. Senior Executive Compensation for Nonappropriated Fund Instrumen-
talities.”.

1 **SEC. 1105. PROHIBIT UNAUTHORIZED WEARING, MANUFAC-**
2 **TURE, OR SALE OF CIVILIAN MEDALS OR**
3 **DECORATIONS.**

4 (a) IN GENERAL.—Chapter 57 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 1134. Civilian medals or decorations of the Depart-**
8 **ment of Defense**

9 “(a) PROHIBITION.—Except with the written permis-
10 sion of the Secretary of Defense, no person may knowingly
11 use, in connection with any merchandise, retail product,
12 impersonation, solicitation, or commercial activity in a
13 manner reasonably calculated to convey the impression
14 that such use is approved, endorsed, or authorized by the
15 Secretary, medals, decorations, or other insignia intended
16 for recognition of Department of Defense civilian employ-
17 ees and other individuals who render service to the De-
18 partment of Defense.

19 “(b) AUTHORITY TO ENJOIN VIOLATIONS.—When-
20 ever it appears to the Attorney General that any person
21 is engaged or is about to engage in an act or practice
22 which constitutes or will constitute conduct prohibited by
23 subsection (a), the Attorney General may initiate a civil
24 proceeding in a district court of the United States to en-
25 join such act or practice. Such court shall proceed as soon
26 as practicable to the hearing and determination of such

1 action and may, at any time before final determination,
 2 enter such restraining orders or prohibitions, or take such
 3 other actions as is warranted, including imposing a civil
 4 penalty not to exceed \$25,000 for each violation, to pre-
 5 vent injury to the United States or to any person or class
 6 of persons for whose protection the action is brought.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of such chapter is amended by adding
 9 at the end the following new item:

“1134. Civilian medals or decorations of the Department of Defense.”.

10 **TITLE XII—MATTERS RELATING**
 11 **TO OTHER NATIONS**
 12 **Subtitle A—Matters Related to**
 13 **Arms Control and Monitoring**

14 **SEC. 1201. HUMANITARIAN ASSISTANCE WITH RESPECT TO**
 15 **THE DETECTION AND CLEARANCE OF LAND-**
 16 **MINES AND EXPLOSIVE REMNANTS OF WAR.**

17 Chapter 20 of title 10, United States Code, is amend-
 18 ed—

19 (1) in section 401—

20 (A) in subsection (a), by striking para-
 21 graph (4);

22 (B) in subsection (c)—

23 (i) by striking paragraphs (2) and (3);

24 and

1 (ii) by redesignating paragraph (4) as
2 paragraph (2); and

3 (C) in subsection (e), by striking para-
4 graph (5);

5 (2) by adding the following new section at the
6 end of such chapter:

7 **“§ 406. Humanitarian assistance with respect to the**
8 **detection and clearance of landmines and**
9 **explosive remnants of war**

10 “(a)(1) Under regulations prescribed by the Sec-
11 retary of Defense, United States armed forces may provide
12 humanitarian assistance with the detection and clearance
13 of landmines or explosive remnants of war in a foreign
14 country, including activities relating to the furnishing of
15 education, training, and technical assistance, if these ac-
16 tivities will promote:

17 “(A) the security interests of both the United
18 States and the country in which the activities are to
19 be carried out; and

20 “(B) the specific operational readiness skills of
21 the members of the armed forces who participate in
22 the activities.

23 “(2) The Secretary of Defense shall ensure that no
24 member of the armed forces, while providing assistance
25 under this section:

1 “(A) engages in the physical detection, lifting
2 or destroying of landmines or explosive remnants of
3 war (unless the member does so for the concurrent
4 purpose of supporting a United States military oper-
5 ation); or

6 “(B) provides such assistance as part of a mili-
7 tary operation that does not involve the armed
8 forces.

9 “(b)(1) To the extent provided in defense authoriza-
10 tion Acts, funds authorized to be appropriated to the De-
11 partment of Defense for a fiscal year for humanitarian
12 assistance shall be used for the purpose of providing as-
13 sistance under this section.

14 “(2) Expenses covered include the following expenses
15 incurred:

16 “(A) Travel, transportation, and subsistence ex-
17 penses of Department of Defense personnel pro-
18 viding such assistance.

19 “(B) The cost of any equipment, services, or
20 supplies acquired for the purpose of carrying out or
21 supporting activities under this section, including
22 any nonlethal, individual or small-team landmine or
23 explosive remnant of war clearing equipment or sup-
24 plies that are to be transferred or otherwise fur-

1 nished to a foreign country in furtherance of the
2 provision of assistance under this section.

3 “(C) The cost of equipment, services and sup-
4 plies provided in any fiscal year to a foreign country
5 under paragraph (2)(B) may not exceed \$5,000,000.

6 “(c) Humanitarian assistance with respect to the de-
7 tection and clearance of landmines and remnants of war
8 may not be provided under this section to any foreign
9 country unless the Secretary of State specifically approves
10 the provision of such assistance.”; and

11 (3) in the table of sections at the beginning of
12 such chapter by adding at the end the following new
13 item:

“406. Humanitarian assistance with respect to the detection and clearance of
landmines and explosive remnants of war.”.

14 **Subtitle B—Matters Related to Al-**
15 **lies and Friendly Foreign Na-**
16 **tions**

17 **SEC. 1211. IMPROVING AIRSPACE CONTROL AND MANAGE-**
18 **MENT IN THE CAUCASUS AND CENTRAL ASIA.**

19 Notwithstanding any other provision of the law, of
20 the funds available to the Department of Defense, subject
21 to the concurrence of the Secretary of State, not more
22 than \$150,000,000 in fiscal year 2005 may be made avail-
23 able for improving airspace control and management in
24 key countries in the Caucasus and Central Asia (Georgia,

1 Azerbaijan, Armenia, Turkmenistan, Uzbekistan,
2 Kazakhstan, Kyrgyzstan, Tajikistan, and Afghanistan),
3 thereby permitting a permissive and controlled air corridor
4 from Europe through the Caucasus to Central Asia and
5 Afghanistan.

6 **SEC. 1212. GEORGE C. MARSHALL EUROPEAN CENTER FOR**
7 **SECURITY STUDIES.**

8 Section 1306(b)(1) of the National Defense Author-
9 ization Act for Fiscal Year 1995, (Public Law 103–337;
10 108 Stat. 2892), as amended by section 1223 of the Na-
11 tional Defense Authorization Act for Fiscal Year 2004
12 (Public Law 108–136; 117 Stat. 1392), is amended by
13 striking “military officers and civilian officials from states
14 located in Europe or the territory of the former Soviet
15 Union” and inserting “foreign participants”.

16 **Subtitle C—Other Matters**

17 **SEC. 1221. REPEAL OF THE ANNUAL REPORTING REQUIRE-**
18 **MENT CONCERNING THE ACTIVITIES OF CHI-**
19 **NESE MILITARY COMPANIES OPERATING IN**
20 **THE UNITED STATES.**

21 Section 1233 of the National Defense Authorization
22 Act Fiscal Year 2001 (Public Law 106–398; 114 Stat.
23 1645A–330), is repealed.

1 **SEC. 1222. REPEAL OF REPORTING REQUIREMENT CON-**
2 **CERNING SPECIAL OPERATIONS FORCES**
3 **TRAINING WITH FRIENDLY FOREIGN FORCES.**

4 Section 2011 of title 10, United States Code, is
5 amended by striking subsection (e).

6 **SEC. 1223. FOREIGN MILITARY AIDS ADVOCACY, AWARE-**
7 **NESS AND PREVENTION ACTIVITIES.**

8 Section 2561(a) of title 10, United States Code, is
9 amended by inserting “, to conduct HIV/AIDS advocacy,
10 awareness, and prevention activities with foreign militaries
11 and international peacekeepers,” after “transportation of
12 humanitarian relief”.

13 **SEC. 1224. REPEAL OF THE AUTHORIZATION FOR THE ES-**
14 **TABLISHMENT OF THE CENTER FOR THE**
15 **STUDY OF CHINESE MILITARY AFFAIRS.**

16 Section 914 of the National Defense Authorization
17 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
18 721), is repealed.

19 **SEC. 1225. USE OF DONATED PROPERTY FOR HUMANI-**
20 **TARIAN ASSISTANCE PURPOSES.**

21 Section 2608 of title 10, United States Code, is
22 amended—

23 (1) by redesignating subsections (e) through (k)
24 as subsections (f) through (l), respectively; and

25 (2) by inserting after subsection (d) the fol-
26 lowing new subsection (e):

1 “(e) USE OF PROPERTY FOR HUMANITARIAN ASSIST-
2 ANCE PURPOSES.—Notwithstanding any other provision
3 of law, any contribution of property received under this
4 section may be donated by the Department of Defense to
5 developing countries during an exercise, operation or simi-
6 lar activity. The Department of Defense may use its trans-
7 portation assets and funds to receive, process, manage,
8 store, care for, transport and distribute this property, in-
9 cluding from the location the contribution is received to
10 its eventual destination for donation.”.

11 **SEC. 1226. ASSIGNMENT OF FOREIGN NAVY PERSONNEL TO**
12 **SUBMARINE SAFETY RESEARCH AND DEVEL-**
13 **OPMENT PROGRAMS.**

14 Section 168 of title 10, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(h) AUTHORITY FOR ASSIGNMENT OF FOREIGN
18 NAVY OFFICERS AND ENLISTED MEMBERS TO SUB-
19 MARINE SAFETY RESEARCH AND DEVELOPMENT PRO-
20 GRAMS.—(1) In order to facilitate the development, stand-
21 ardization, and interoperability of submarine vessel safety
22 and rescue systems and procedures, the Secretary of the
23 Navy may conduct a program under which members of
24 foreign navies are assigned to United States commands
25 to work on such systems and procedures.

1 “(2) The program authorized by this subsection is
2 not an exchange program. Reciprocal assignments of
3 members of the Navy to foreign navies are not required
4 under this program.

5 “(3)(A) Each government sending members to the
6 United States under the program authorized by this sec-
7 tion shall pay the salary, per diem, cost of living, travel
8 costs, cost of language or other training, and other costs
9 for its own personnel in accordance with the laws and reg-
10 ulations of such government.

11 “(B) Subparagraph (A) does not apply to the fol-
12 lowing costs:

13 “(i) The cost of temporary duty directed by the
14 United States Navy.

15 “(ii) The cost of training programs conducted
16 to familiarize, orient, or certify members of foreign
17 naval personnel regarding unique aspects of their as-
18 signments.

19 “(iii) Costs incident to the use of the facilities
20 of the United States Navy in the performance of as-
21 signed duties.

22 “(4) The requirements of this subsection shall apply
23 in the exercise of any authority of the Secretary of the
24 Navy to enter into an agreement with the government of
25 a foreign country, subject to the concurrence of the Sec-

1 retary of State, to provide for the assignment of members
2 of the navy of the foreign country to a United States Navy
3 submarine safety program. The Secretary of the Navy
4 may prescribe regulations for the application of this sub-
5 section in the exercise of such authority.”.

6 **TITLE XIII—HOMELAND**
7 **SECURITY**

8 **SEC. 1301. REPEAL OF FUNDING RESTRICTIONS CON-**
9 **CERNING DEVELOPMENT OF MEDICAL COUN-**
10 **TERMEASURES AGAINST BIOLOGICAL WAR-**
11 **FARE THREATS.**

12 Section 2370a of title 10, United States Code, is re-
13 pealed.

14 **DIVISION B—MILITARY CON-**
15 **STRUCTION AUTHORIZA-**
16 **TIONS**

17 **SEC. 2001. SHORT TITLE.**

18 This division may be cited as the “Military Construc-
19 tion Authorization Act for Fiscal Year 2005”.

20 **TITLE XXI—ARMY**

21 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
22 **ACQUISITION PROJECTS.**

23 (a) **INSIDE THE UNITED STATES.**—Using amounts
24 appropriated pursuant to the authorization of appropria-
25 tions in section 2104(a)(1), the Secretary of the Army

1 may acquire real property and carry out military construc-
 2 tion projects for the installations or locations inside the
 3 United States, and in the amounts, set forth in the fol-
 4 lowing table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	23,690,000
Alaska	Fort Richardson	24,300,000
	Fort Wainwright	92,459,000
California	Fort Irwin	38,100,000
Colorado	Fort Carson	47,108,000
Georgia	Fort Benning	71,777,000
	Fort Gillem	5,800,000
	Fort McPherson	4,900,000
	Fort Stewart/Hunter Army Air Field.	65,495,000
Hawaii	Helemano Military Reservation ...	75,300,000
	Hickam Air Force	11,200,000
	Pohakuloa Training Area	30,000,000
	Schofield Barracks	187,792,000
	Wheeler Army Air Field	24,000,000
Kansas	Fort Riley	44,050,000
Kentucky	Fort Campbell	89,600,000
	Fort Knox	72,000,000
Louisiana	Fort Polk	70,953,000
Missouri	Fort Leonard Wood	17,750,000
New Mexico	White Sands Missile Range	33,000,000
New York	Fort Drum	4,950,000
	Fort Hamilton	7,600,000
	Military Entrance Processing Station, Buffalo.	6,200,000
	United States Military Academy, West Point.	60,000,000
North Carolina	Fort Bragg	101,687,000
Oklahoma	Fort Sill	14,400,000
Texas	Fort Bliss	16,500,000
	Fort Hood	78,088,000
Virginia	Fort A.P. Hill	3,975,000
	Fort Myer	49,526,000
Washington	Fort Lewis	48,000,000
	Total	1,420,200,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-

1 tions in section 2104(a)(2), the Secretary of the Army
 2 may acquire real property and carry out military construc-
 3 tion projects for the installations or locations outside the
 4 United States, and in the amounts, set forth in the fol-
 5 lowing table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	77,200,000
Italy	Livorno	26,000,000
Korea	Camp Humphreys	12,000,000
	Total	115,200,000

6 **SEC. 2102. FAMILY HOUSING.**

7 (a) CONSTRUCTION AND ACQUISITION.—Using
 8 amounts appropriated pursuant to the authorization of ap-
 9 propriations in section 2104(a)(5)(A), the Secretary of the
 10 Army may construct or acquire family housing units (in-
 11 cluding land acquisition and supporting facilities) at the
 12 installations or locations, for the purposes and in the
 13 amounts, set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Alaska	Fort Richardson	92 Units	42,000,000
	Fort Wainwright	246 Units	124,000,000
Arizona	Fort Huachuca	205 Units	41,000,000
	Yuma Proving Ground	55 Units	14,900,000
Kansas	Fort Riley	126 Units	33,000,000
New Mexico	White Sands Missile Range.	156 Units	31,000,000
Oklahoma	Fort Sill	247 Units	47,000,000
Virginia	Fort Lee	218 Units	46,000,000
	Fort Monroe	68 Units	16,000,000

Army: Family Housing—Continued

State	Installation or location	Purpose	Amount
	Total	394,900,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2104(a)(4)(A), the Secretary of the Army may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of family housing units in an amount not
7 to exceed \$29,209,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2104(a)(5)(A),
13 the Secretary of the Army may improve existing military
14 family housing units in an amount not to exceed
15 \$211,990,000.

16 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

17 Funds are hereby authorized to be appropriated for
18 fiscal years beginning after September 30, 2004, for mili-
19 tary construction, land acquisition and military family
20 housing functions of the Department of the Army in the
21 total amount of \$3,336,291,000 as follows:

1 (1) For military construction projects inside the
2 United States authorized by section 2101(a),
3 \$1,250,700,000.

4 (2) For military construction projects outside
5 the United States authorized by section 2101(b),
6 \$115,200,000.

7 (3) For unspecified minor military construction
8 projects authorized by section 2805 of title 10,
9 United States Code, \$20,000,000.

10 (4) For architectural and engineering services
11 and construction design under section 2807 of title
12 10, United States Code, \$151,335,000.

13 (5) For military family housing functions:

14 (A) For construction and acquisition, plan-
15 ning and design, and improvement of military
16 family housing and facilities, \$636,099,000.

17 (B) For support of military family housing
18 (including the functions described in section
19 2833 of title 10, United States Code),
20 \$928,907,000.

21 (6) For the construction of phase 2 of a bar-
22 racks complex, 5th & 16th Street, at Ft. Stewart/
23 Hunter Army Air Field, Georgia, authorized by sec-
24 tion 2101(a) of the Military Construction Authoriza-

1 tion Act for Fiscal Year 2004 (division B of Public
2 Law 108–136; 117 Stat. 1697), \$32,950,000.

3 (7) For the construction of phase 3 of a bar-
4 racks complex renewal, Capron Road, at Schofield
5 Barracks, Hawaii, authorized by section 2101(a) of
6 the Military Construction Authorization Act for Fis-
7 cal Year 2002 (division B of Public Law 107–107;
8 115 Stat. 1283) and as amended by section 2105 of
9 the Military Authorization Act for Fiscal Year 2004
10 (division B of Public Law 108–136; 117 Stat.
11 1697), \$48,000,000.

12 (8) For the construction of phase 2 of the
13 Lewis & Clark instructional facility at Fort Leaven-
14 worth, Kansas, authorized by section 2101(a) of the
15 Military Construction Authorization Act for Fiscal
16 Year 2003 (division B of Public Law 107–314; 116
17 Stat. 2681), \$44,000,000.

18 (9) For the construction of phase 2 of a bar-
19 racks complex at Wheeler Sack Army Air Field at
20 Fort Drum, New York, authorized by section
21 2101(a) of the Military Construction Authorization
22 Act for Fiscal Year 2004 (division B of Public Law
23 108–136; 117 Stat. 1697), \$48,000,000.

24 (10) For the construction of phase 2 of a bar-
25 racks complex, Bastogne Drive, Fort Bragg, North

1 Carolina, authorized by section 2101(a) of the Mili-
 2 tary Construction Authorization Act for Fiscal Year
 3 2004 (division B of Public Law 108–136; 117 Stat.
 4 1697), \$48,000,000.

5 (11) For the construction of phase 3 of a main-
 6 tenance complex at Fort Sill, Oklahoma, authorized
 7 by section 2101(a) of the Military Construction Au-
 8 thorization Act for Fiscal Year 2003 (division B of
 9 Public Law 107–314; 116 Stat. 2681), \$13,100,000.

10 **TITLE XXII—NAVY**

11 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 12 **ACQUISITION PROJECTS.**

13 (a) **INSIDE THE UNITED STATES.**—Using amounts
 14 appropriated pursuant to the authorization of appropria-
 15 tions in section 2204(a)(1), the Secretary of the Navy may
 16 acquire real property and carry out military construction
 17 projects for the installations or locations inside the United
 18 States, and in the amounts, set forth in the following
 19 table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	26,670,000
California	Marine Corps Base, Camp Pen- dleton.	38,455,000
	Naval Air Facility, El Centro	54,331,000
Connecticut	Naval Submarine Base, New Lon- don.	45,882,000
District of Columbia	Naval Observatory, Washington ..	3,239,000
Florida	Eglin Air Force Base	2,060,000
	Naval Station, Mayport	6,200,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Georgia	Strategic Weapons Facility Atlantic, Kings Bay.	16,000,000
Illinois	Naval Training Station, Great Lakes.	10,000
	Recruit Training Command, Great Lakes.	74,771,000
Maryland	Naval Surface Warfare Center, Indian Head.	13,900,000
North Carolina	Marine Corps Air Station, New River.	35,140,000
	Marine Corps Base, Camp Lejeune.	6,420,000
Virginia	Washington County	136,900,000
	Camp Elmore Marine Corps Detachment.	13,500,000
	Marine Corps Base, Quantico	41,800,000
	Naval Air Station, Oceana	2,770,000
	Naval Amphibious Base, Little Creek.	2,850,000
	Naval Station, Norfolk	4,330,000
	Naval Weapons Station, Yorktown.	9,870,000
Washington	Naval Shipyard Puget Sound, Bremerton.	20,305,000
	Naval Station, Bremerton	74,125,000
	Strategic Weapons Facility Pacific, Bangor.	131,090,000
	Total	760,618,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahamas	Naval Undersea Warfare Center, Andros Islands.	20,750,000
Diego Garcia	Naval Support Facility, Diego Garcia.	17,500,000
Guam	Naval Station, Guam	12,500,000
Guam	Naval Public Works Center, Guam.	20,700,000
Italy	Sigonella	22,550,000
Spain	Naval Station, Rota	32,700,000
	Total	126,700,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(3), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installations or locations and in the
6 amount, set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Unspecified	Unspecified Worldwide	158,640,000
	Total	158,640,000

7 SEC. 2202. FAMILY HOUSING.

8 Using amounts appropriated pursuant to the author-
9 ization of appropriations in section 2204(a)(6)(A), the
10 Secretary of the Navy may construct or acquire family
11 housing units (including land acquisition and supporting
12 facilities) at the installations or locations, for the purposes
13 and in the amounts, set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
North Carolina.	Marine Corps Air Station, Cherry Point.	198 Units	27,002,000
	Total	27,002,000

1 SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**2 UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(a)(5)(A),
6 the Secretary of the Navy may improve existing military
7 family housing units in an amount not to exceed
8 \$112,105,000.

9 SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

10 Funds are hereby authorized to be appropriated for
11 fiscal years beginning after September 30, 2004, for mili-
12 tary construction, land acquisition, and military family
13 housing functions of the Department of the Navy in the
14 total amount of \$1,904,066,000, as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2201(a),
17 \$621,238,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2201(b),
20 \$126,700,000.—

1 (3) For the military construction projects at
2 unspecified worldwide locations authorized by section
3 2201(c), \$98,560,000.

4 (4) For unspecified minor military construction
5 projects authorized by section 2805 of title 10,
6 United States Code, \$12,000,000.

7 (5) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$87,067,000.

10 (6) For military family housing functions:

11 (A) For construction and acquisition, plan-
12 ning and design, and improvement of military
13 family housing and facilities, \$139,107,000.

14 (B) For support of military family housing
15 (including functions described in section 2833
16 of title 10, United States Code), \$704,504,000.

17 (7) For the construction of increment 2 of the
18 tertiary sewage treatment plant at Marine Corps
19 Base, Camp Pendleton, California, authorized by
20 section 2201(a) of the Military Construction Author-
21 ization Act for Fiscal Year 2004 (division B of Pub-
22 lic Law 108–136; 117 Stat. 1703), \$25,690,000.

23 (8) For the construction of increment 2 of the
24 general purpose berthing pier at Naval Weapons
25 Station, Earle, New Jersey, authorized by section

1 2201(a) of the Military Construction Authorization
 2 Act of Fiscal Year 2004 (division B of Public Law
 3 108–136; 117 Stat. 1704), \$49,200,000.

4 (9) For the construction of increment 2 of pier
 5 11 replacement at Naval Station, Norfolk, Virginia,
 6 authorized by section 2201(a) of the Military Con-
 7 struction Authorization Act of Fiscal Year 2004 (di-
 8 vision B of Public Law 108–136; 117 Stat. 1704),
 9 \$40,000,000.

10 **TITLE XXIII—AIR FORCE**

11 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 12 **LAND ACQUISITION PROJECTS.**

13 (a) **INSIDE THE UNITED STATES.**—Using amounts
 14 appropriated pursuant to the authorization of appropria-
 15 tions in section 2304(a)(1), the Secretary of the Air Force
 16 may acquire real property and carry out military construc-
 17 tion projects for the installations or locations inside the
 18 United States, and in the amounts, set forth in the fol-
 19 lowing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alaska	Elmendorf Air Force Base	26,057,000
Arizona	Davis-Monthan Air Force Base ...	10,029,000
	Luke Air Force Base	10,000,000
Arkansas	Little Rock Air Force Base	5,031,000
California	Beale Air Force Base	10,186,000
	Edwards Air Force Base	9,965,000
	Travis Air Force Base	15,244,000
Colorado	Buckley Air Force Base	12,247,000
Florida	Tyndall Air Force Base	18,962,000
Georgia	Robins Air Force Base	15,000,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Hawaii	Hickam Air Force Base	25,900,000
Louisiana	Barksdale Air Force Base	13,800,000
Maryland	Andrews Air Force Base	17,100,000
North Carolina	Pope Air Force Base	15,150,000
South Carolina	Shaw Air Force Base	3,300,000
Tennessee	Arnold Air Force Base	22,000,000
Texas	Lackland Air Force Base	2,596,000
	Sheppard Air Force Base	50,284,000
Utah	Hill Air Force Base	13,113,000
	Total	295,964,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Base	25,404,000
Greenland	Thule Air Base	19,800,000
Guam	Andersen Air Base	19,593,000
Italy	Aviano Air Base	6,760,000
Japan	Misawa Air Base	6,700,000
Korea	Kunsan Air Base	37,100,000
	Osan Air Base	18,600,000
Portugal	Lajes Field, Azores	5,689,000
Spain	Naval Station, Rota	14,153,000
United Kingdom	Royal Air Force Lakenheath	5,500,000
	Total	159,299,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
9 appropriated pursuant to the authorization of appropria-
10 tions in section 2304(a)(3), the Secretary of the Air Force

1 may acquire real property and carry out military construc-
 2 tion projects for the installations or locations, and in the
 3 amount, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Classified ...	Worldwide Unspecified Classified	28,090,000
Worldwide Unspecified	Worldwide Unspecified	26,825,000
	Total	54,915,000

4 **SEC. 2302. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2304(a)(6)(A), the Secretary of the
 8 Air Force may construct or acquire family housing units
 9 (including land acquisition and supporting facilities) at the
 10 installations or locations, for the purposes and in the
 11 amounts, set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base.	250 Units	48,500,000
California	Edwards Air Force Base	218 Units	41,202,000
	Vandenberg Air Force Base.	120 Units	30,906,000
Florida	MacDill Air Force Base ..	61 Units	21,723,000
	MacDill Air Force Base ..	Housing Maintenance Facility.	1,250,000
Idaho	Mountain Home Air Force Base.	147 Units	39,333,000
Mississippi ...	Columbus Air Force Base	Family Housing Management Facility.	711,000
Missouri	Whiteman Air Force Base.	160 Units	37,087,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
Montana	Malmstrom Air Force Base.	115 Units	29,910,000
North Carolina.	Seymour Johnson Air Force Base.	167 Units	32,693,000
North Dakota.	Grand Forks Air Force Base.	90 Units	26,169,000
	Minot Air Force Base	142 Units	37,087,000
South Carolina.	Charleston Air Force Base.	Fire Station	1,976,000
South Dakota.	Ellsworth Air Force Base	75 Units	21,482,000
Texas	Dyess Air Force Base	127 Units	28,664,000
	Goodfellow Air Force Base.	127 Units	20,604,000
Germany	Ramstein Air Base	144 Units	57,691,000
Italy	Aviano Air Base	FH Office	2,542,000
Korea	Osan Air Base	117 Units	46,834,000
United Kingdom.	Royal Air Force Lakenheath.	154 Units	43,976,000
	Total	570,340,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(a)(6)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$38,266,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2304(a)(6)(A),
13 the Secretary of the Air Force may improve existing mili-

1 tary family housing units in an amount not to exceed
2 \$238,353,000.

3 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
4 **FORCE.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2004, for mili-
7 tary construction, land acquisition, and military family
8 housing functions of the Department of the Air Force in
9 the total amount of \$2,374,819,000, as follows:—

10 (1) For military construction projects inside the
11 United States authorized by section 2301(a),
12 \$295,964,000.

13 (2) For military construction projects outside
14 the United States authorized by section 2301(b),
15 \$159,299,000.

16 (3) For the military construction projects at
17 unspecified worldwide locations authorized by section
18 2301(c), \$54,915,000.

19 (4) For unspecified minor military construction
20 projects authorized by section 2805 of title 10,
21 United States Code, \$13,000,000.

22 (5) For architectural and engineering services
23 and construction design, under section 2807 of title
24 10, United States Code, \$140,786,000.

25 (6) For military family housing functions:

1 (A) For construction and acquisition, plan-
 2 ning and design and improvement of military
 3 family housing and facilities, \$846,959,000.

4 (B) For support of military family housing
 5 (including functions described in section 2833
 6 of title 10, United States Code), \$863,896,000.

7 **TITLE XXIV—DEFENSE**
 8 **AGENCIES**

9 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 10 **TION AND LAND ACQUISITION PROJECTS.**

11 (a) INSIDE THE UNITED STATES.—Using amounts
 12 appropriated pursuant to the authorization of appropria-
 13 tions in section 2404(a)(1), the Secretary of Defense may
 14 acquire real property and carry out military construction
 15 projects for the installations or locations inside the United
 16 States, and in the amounts, set forth in the following
 17 table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Intelligence Agency.	Bolling Air Force Base, District of Columbia.	6,000,000
Defense Logistics Agency.	Columbus, Ohio	5,500,000
	Defense Distribution Depot, New Cumberland, Pennsylvania.	22,300,000
	Defense Distribution Depot, Richmond, Virginia.	10,100,000
	Defense Fuel Support Point, Naval Air Station, Oceana, Virginia.	3,589,000
	Marine Corps Air Station, Cherry Point, North Carolina.	22,700,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Missile Defense Agency National Security Agency. Special Operations Command.	Naval Air Station, Kingsville, Texas.	3,900,000
	Naval Station, Pearl Harbor, Ha- wii.	3,500,000
	Tinker Air Force Base, Oklahoma	5,400,000
	Travis Air Force Base, California	15,100,000
	Huntsville, Alabama	19,560,000
	Fort Meade, Maryland	15,007,000
	Corona, California	13,600,000
	Fleet Combat Training Center, Dam Neck, Virginia.	5,700,000
	Fort A.P. Hill, Virginia	1,500,000
	Fort Bragg, North Carolina	42,888,000
Tri-Care Management Activity.	Fort Stewart/Hunter Army Air Field, Georgia.	17,600,000
	Naval Air Station, North Island, California.	1,000,000
	Naval Amphibious Base, Little Creek, Virginia.	24,200,000
	Buckley Air Force Base, Colorado	2,100,000
	Fort Belvoir, Virginia	100,000,000
	Fort Benning, Georgia	7,100,000
	Jacksonville, Florida	28,438,000
	Langley Air Force Base, Virginia	50,800,000
	Marine Corps Recruit Depot, Parris Island, South Carolina.	25,000,000
	Total	452,582,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity.	Grafenwoehr, Germany	36,247,000
	Naval Station, Guam	26,964,000
	Vilseck, Germany	9,011,000
Defense Logistics Agency.	Defense Fuel Support Point, Lajes Field, Portugal.	19,113,000
	Misawa Air Base, Japan	19,900,000
Special Operations Command.	Naval Station, Guam, Marianas Islands.	2,200,000
	Royal Air Force, Mildenhall, United Kingdom.	10,200,000
Tri-Care Management Activity.	Diego Garcia	3,800,000
	Grafenwoehr, Germany	13,000,000
	Total	140,435,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(3), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations, and in the
6 amount, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Classified ... Worldwide Unspecified	Worldwide Unspecified Classified	7,400,000
	Worldwide Unspecified	2,900,000
	Total	10,300,000

7 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
8 **UNITS.**

9 Subject to section 2825 of title 10, United States
10 Code, and using amounts appropriated pursuant to the
11 authorization of appropriations in section 2404(a)(9)(A),

1 the Secretary of Defense may improve existing military
2 family housing units in an amount not to exceed \$49,000.

3 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
5 ization of appropriations in section 2404(a)(7), the Sec-
6 retary of Defense may carry out energy conservation
7 projects under section 2865 of title 10, United States
8 Code, in the amount of \$60,000,000.

9 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**
10 **FENSE AGENCIES.**

11 Funds are hereby authorized to be appropriated for
12 fiscal years beginning after September 30, 2004, for mili-
13 tary construction, land acquisition, and military family
14 housing functions of the Department of Defense (other
15 than the military departments) in the total amount of
16 \$1,163,477,000, as follows:

17 (1) For military construction projects inside the
18 United States authorized by section 2401(a),
19 \$395,582,000.

20 (2) For military construction projects outside
21 the United States authorized by section 2401(b),
22 \$140,435,000.—

23 (3) For the military construction projects at
24 unspecified worldwide locations authorized by section
25 2401(c), \$10,300,000.

1 (4) For unspecified minor military construction
2 projects under section 2805 of title 10, United
3 States Code, \$20,938,000.

4 (5) For contingency construction projects of the
5 Secretary of Defense under section 2804 of title 10,
6 United States Code, \$10,000,000.

7 (6) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$62,182,000.

10 (7) For Energy Conservation projects author-
11 ized by section 2404 of this Act, \$60,000,000.

12 (8) For base closure and realignment activities
13 as authorized by the Defense Base Closure and Re-
14 alignment Act of 1990 (part A of title XXIX of
15 Public Law 101–510; 10 U.S.C. 2687 note),
16 \$246,116,000.

17 (9) For military family housing functions:

18 (A) For improvement of military family
19 housing and facilities, \$49,000.

20 (B) For support of military family housing
21 (including functions described in section 2833
22 of title 10, United States Code), \$49,575,000.

23 (C) For credit to the Department of De-
24 fense Family Housing Improvement Fund es-

1 tablished by section 2883(a)(1) of title 10,
2 United States Code, \$2,500,000.

3 **TITLE XXV—NORTH ATLANTIC**
4 **TREATY ORGANIZATION SE-**
5 **CURITY INVESTMENT PRO-**
6 **GRAM**

7 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
8 **ACQUISITION PROJECTS.**

9 The Secretary of Defense may make contributions for
10 the North Atlantic Treaty Organization Security Invest-
11 ment Program as provided in section 2806 of title 10,
12 United States Code, in an amount not to exceed the sum
13 of the amount authorized to be appropriated for this pur-
14 pose in section 2502 and the amount collected from the
15 North Atlantic Treaty Organization as a result of con-
16 struction previously financed by the United States.

17 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

18 Funds are hereby authorized to be appropriated for
19 fiscal years beginning after September 30, 2004, for con-
20 tributions by the Secretary of Defense under section 2806
21 of title 10, United States Code, for the share of the United
22 States of the cost of projects for the North Atlantic Treaty
23 Organization Security Investment Program authorized by
24 section 2501, in the amount of \$165,800,000.

1 **TITLE XXVI—CHEMICAL DEMILI-**
2 **TARIZATION CONSTRUCTION,**
3 **DEFENSE**

4 **SEC. 2601. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
5 **ICAL DEMILITARIZATION.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2004, for mili-
8 tary construction and land acquisition for Chemical De-
9 militarization in the total amount of \$81,886,000, as fol-
10 lows:

11 (1) For the construction of phase 6 of a muni-
12 tions demilitarization facility at Pueblo Chemical Ac-
13 tivity, Colorado, authorized by section 2401(a) of the
14 Military Construction Authorization Act for Fiscal
15 Year 1997 (division B of Public Law 104–201; 110
16 Stat. 2775), as amended by section 2406 of the Mili-
17 tary Construction Authorization Act for Fiscal Year
18 2000 (division B of Public Law 106–65; 113 Stat.
19 839), and section 2407 of the Military Construction
20 Authorization Act for Fiscal Year 2003 (division B
21 of Public Law 107–314; 116 Stat. 2697),
22 \$44,792,000.

23 (2) For the construction of phase 5 of a muni-
24 tions demilitarization facility at Blue Grass Army
25 Depot, Kentucky, authorized by section 2401(a) of

1 the Military Construction Authorization Act for Fis-
2 cal Year 2000 (division B of Public Law 106–65;
3 113 Stat. 835), as amended by section 2405 of the
4 Military Construction Authorization Act of 2002 (di-
5 vision B of Public Law 107–107; 115 Stat. 1298),
6 and section 2405 of the Military Construction Au-
7 thorization Act for Fiscal Year 2003 (division B of
8 Public Law 107–314; 116 Stat. 2697), \$37,094,000.

9 **TITLE XXVII—GUARD AND**
10 **RESERVE FORCES FACILITIES**

11 **SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
12 **TION AND LAND ACQUISITION PROJECTS.**

13 Funds are hereby authorized to be appropriated for
14 fiscal years beginning after September 30, 2004, for the
15 costs of acquisition, architectural and engineering services,
16 and construction of facilities for the Guard and Reserve
17 Forces, and for contributions therefor, under chapter
18 1803 of title 10, United States Code (including the cost
19 of acquisition of land for those facilities), the following
20 amounts:

21 (1) For the Department of the Army—

22 (A) for the Army National Guard of the
23 United States, \$265,657,000; and

24 (B) for the Army Reserve, \$87,070,000.

1 (2) For the Department of the Navy, for the
2 Naval and Marine Corps Reserve, \$25,285,000.

3 (3) For the Department of the Air Force—

4 (A) for the Air National Guard of the
5 United States, \$127,368,000; and

6 (B) for the Air Force Reserve,
7 \$84,556,000.

8 **TITLE XXVIII—EXPIRATION AND**
9 **EXTENSION OF AUTHORIZA-**
10 **TIONS**

11 **SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND**
12 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
13 **LAW.**

14 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
15 YEARS.—Except as provided in subsection (b), all author-
16 izations contained in titles XXI through XXVII for mili-
17 tary construction projects, land acquisition, family housing
18 projects and facilities, and contributions to the North At-
19 lantic Treaty Organization Security Investment Program
20 (and authorizations of appropriations therefor) shall ex-
21 pire on the later of—

22 (1) October 1, 2007; or

23 (2) the date of the enactment of an Act author-
24 izing funds for military construction for fiscal year
25 2008.

1 (b) EXCEPTION.—Subsection (a) shall not apply to
2 authorizations for military construction projects, land ac-
3 quisition, family housing projects and facilities, and con-
4 tributions to the North Atlantic Treaty Organization Se-
5 curity Investment program (and authorizations of appro-
6 priations therefor), for which appropriated funds have
7 been obligated before the later of—

8 (1) October 1, 2007; or

9 (2) the date of the enactment of an Act author-
10 izing funds for fiscal year 2008 for military con-
11 struction projects, land acquisition, family housing
12 projects and facilities, or contributions to the North
13 Atlantic Treaty Organization Security Investment
14 program.

15 **SEC. 2802. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
16 **FISCAL YEAR 2002 PROJECTS.**

17 (a) EXTENSION.—Notwithstanding section 2701 of
18 the Military Construction Authorization Act for Fiscal
19 Year 2002 (division B of Public Law 107–107; 115 Stat.
20 1280), authorizations set forth in the tables in subsection
21 (b), as provided in sections 2101, 2302, and 2601 of that
22 Act, shall remain in effect until October 1, 2005, or the
23 date of the enactment of an Act authorizing funds for mili-
24 tary construction for fiscal year 2006, whichever is later.

- 1 (b) TABLES.—The tables referred to in subsection (a)
 2 are as follows:

Army: Extension of 2002 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Fort Wainwright	Power Plant Cooling Tower.	23,000,000
Hawaii	Pohakuloa Training Area	Parker Ranch Land Acquisition.	1,500,000

Air Force: Extension of 2002 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Buckley Air Force Base ..	Construct Family Housing (55 Units).	11,400,000
Idaho	Mountain Home Air Force Base.	Replace Family Housing (56 Units).	10,000,000
Louisiana	Barksdale Air Force Base	Replace Family Housing (56 Units).	7,300,000

Army National Guard: Extension of 2002 Project Authorizations

State	Installation or location	Project	Amount
California	Lancaster	Readiness Center (ADRS).	4,530,000
Massachusetts.	Framingham	Organizational Maintenance Shop.	8,347,000

3 **SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 4 **FISCAL YEAR 2001 PROJECTS.**

- 5 (a) EXTENSION.—Notwithstanding section 2701 of
 6 the Military Construction Authorization Act for Fiscal

1 Year 2001 (division B of Public Law 106–398; 114 Stat.
 2 1654A–389), authorizations set forth in the tables in sub-
 3 section (b), as provided in sections 2102 and 2401 of that
 4 Act, shall remain in effect until October 1, 2005, or the
 5 date of the enactment of an Act authorizing funds for mili-
 6 tary construction for fiscal year 2006, whichever is later.

7 (b) TABLES.—The tables referred to in subsection (a)
 8 are as follows:

Army: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
South Carolina.	Fort Jackson	New Construction—Family Housing (1 unit).	250,000

Defense Agency: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
Defense Finance and Accounting Service.	Kleber Kaserne, Germany	Building renovation.	7,400,000
Department of Defense Education Activity.	Osan Air Base, Korea	Osan Elementary School Classroom Addition.	843,000

1 **TITLE XXIX—GENERAL**
2 **PROVISIONS**
3 **Subtitle A—Military Construction**
4 **and Military Family Housing**

5 **SEC. 2901. ALTERNATIVE AUTHORITY FOR ACQUISITION**
6 **AND IMPROVEMENT OF MILITARY HOUSING.**

7 Section 2883(g)(1) of title 10, United States Code
8 is amended by striking “\$850,000,000” and inserting
9 “\$1,850,000,000”.

10 **Subtitle B—Real Property and**
11 **Facilities Administration**

12 **SEC. 2911. ESTABLISHMENT OF MUSEUM CENTER OF THE**
13 **NATIONAL MUSEUM OF THE UNITED STATES**
14 **ARMY.**

15 (a) IN GENERAL.—Chapter 401 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 4322. The Museum Center of the National Museum**
19 **of the United States Army**

20 “(a) AUTHORITY TO ESTABLISH.—(1) The Secretary
21 of the Army may establish the Museum Center of the Na-
22 tional Museum of the United States Army at Fort Belvoir,
23 Virginia.

1 “(2) The Museum Center may be used to identify,
2 collect, preserve, display, and interpret historic artifacts
3 and artwork of significance to the United States Army.

4 “(b) AUTHORITY TO ENTER INTO AGREEMENT.—(1)
5 The Secretary may enter into an agreement with the Army
6 Historical Foundation, a nonprofit organization, to sup-
7 port the design, construction, and operation of the Mu-
8 seum Center through gifts provided by the Foundation.

9 “(2) The Secretary may require such terms and con-
10 ditions in connection with any agreement authorized to be
11 entered into by this subsection as the Secretary considers
12 appropriate to protect the interests of the United States.

13 “(c) DESIGN, CONSTRUCTION, AND OPERATION.—
14 The Secretary may design, construct, and operate facilities
15 for the Museum Center with funds provided by the Army
16 Historical Foundation and gifts accepted under subsection
17 (d).

18 “(d) USE OF CERTAIN GIFTS.—(1) Under regulations
19 prescribed by the Secretary, the Commander of the United
20 States Army Center of Military History may, without re-
21 gard to section 2601 of this title, accept, hold, administer,
22 invest, and spend any gift, devise, or bequest of personal
23 property of a value of \$250,000 or less made to the United
24 States if such gift, devise, or bequest is for the benefit
25 of the Museum Center.

1 “(2) The Secretary may pay or authorize the pay-
2 ment of any reasonable and necessary expense in connec-
3 tion with the conveyance or transfer of a gift, devise, or
4 bequest under this sub section.

5 “(e) OTHER AUTHORIZED USERS.—(1) The Sec-
6 retary may make the Museum Center, or space within the
7 Museum Center, available to the public, commercial enti-
8 ties, nonprofit entities, state and local governments, and
9 other departments and agencies of the Federal Govern-
10 ment for such uses as deemed appropriate by the Sec-
11 retary. The Secretary may charge fees for such uses.

12 “(2) Funds received under paragraph (1) shall be de-
13 posited into a special fund maintained by the Secretary
14 for acquisition, preservation, and conservation of rare arti-
15 facts and other projects associated with the Museum Cen-
16 ter and shall be available for those purposes until ex-
17 pended.

18 “(f) FUNDRAISING.—The Army Historical Founda-
19 tion may engage in fundraising operations on the grounds
20 of the Museum Center and its adjacent support facilities
21 with the approval of the Secretary of the Army. The Sec-
22 retary of the Army may approve the provision of logistical
23 support to fundraising events conducted by the Army His-
24 torical Foundation on the grounds of the Museum Center
25 and its adjacent support facilities that is otherwise con-

1 sistent with Department of Defense policy for the conduct
2 of public affairs and community relations activities and
3 programs throughout the Department of Defense.

4 “(g) ADVERTISING, MARKETING, AND PROMOTION.—

5 (1) The Secretary of the Army may expend appropriated
6 finds available for the operation and maintenance of the
7 Army for advertising, marketing, and promotion of the
8 National Museum of the United States Army and its pro-
9 grams in order to enhance visitation and the effectiveness
10 of educational programs of the Museum.

11 “(2) The Secretary of the Army may authorize the
12 Commander of the United States Army Center of Military
13 History, or other appropriate official of the Department
14 of the Army, to expend appropriated finds available for
15 the operation and maintenance of the Army for the pro-
16 motional hospitality of specials guests of the National Mu-
17 seum of the United States Army, not to exceed \$20,006
18 during a fiscal year.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by adding
21 at the end the following new item:

“4322. The Museum Center of the National Museum of the United States
Army.”.

1 **SEC. 2912. EXCHANGE OR SALE OF RESERVE COMPONENT**
2 **FACILITIES IN RETURN FOR REPLACEMENT**
3 **FACILITIES.**

4 Section 18233 of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(g)(1) When the Secretary of Defense determines it
8 is in the best interests of the United States to acquire
9 a facility under this section as a replacement for an exist-
10 ing facility, the Secretary may exchange the existing facil-
11 ity for a replacement facility or sell the existing facility
12 and use the proceeds to acquire a replacement facility.

13 “(2) In any exchange or sale under paragraph (1),
14 the United States shall receive cash or a replacement facil-
15 ity, or both, of a value at least equal to the fair market
16 value of the existing facility.

17 “(3) Acquisition of a replacement facility under para-
18 graph (I) by exchange, sale, or combination of exchange
19 and sale, may be accomplished by construction, expansion,
20 rehabilitation, and conversion and shall result in a fully
21 equipped and operational replacement facility. Nothing in
22 this paragraph shall prohibit the Secretary from contrib-
23 uting additional funds, in accordance with this section, to
24 obtain a fully equipped and operational replacement facil-
25 ity.

1 “(4) Any funds received under this subsection in ex-
2 cess of the funds expended for the replacement facility
3 may be used for the purposes of subsection (a).

4 “(5) The funds received under this subsection shall
5 be placed in a separate account for use in accordance with
6 this subsection without further appropriation.

7 “(6) This subsection shall not be subject to the Stew-
8 art B. McKinney Homeless Assistance Act (42 U.S.C. §
9 11301 et seq.).”.

10 **Subtitle C—Other Matters**

11 **SEC. 2921. MINOR MILITARY CONSTRUCTION TO IMPROVE** 12 **FORCE PROTECTION.**

13 Section 2805 of title 10, United States Code, is
14 amended—

15 (1) in subsection (b)(2), by striking “21-day”
16 and inserting “5-day”; and

17 (2) in subsection (c)(1)—

18 (A) by striking “or” at the end of subpara-
19 graph (A);

20 (B) by striking the period at the end of
21 subparagraph (B) and inserting “; or”; and

22 (C) by adding at the end the following new
23 subparagraph:

24 “(C) \$5,000,000, in the case of an unspec-
25 ified minor military construction project in-

1 tended solely to correct a deficiency in force
2 protection.”.

○